



General Assembly

Substitute Bill No. 440

January Session, 2019



AN ACT PROTECTING EMPLOYEE FREEDOM OF SPEECH AND CONSCIENCE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-51q of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2019*):

3 (a) As used in this section:

4 (1) "Political matters" means matters relating to elections for political
5 office, political parties, legislation, regulation and the decision to join
6 or support any political party or political, civic, community, fraternal
7 or labor organization;

8 (2) "Religious matters" means matters relating to religious affiliation
9 and practice and the decision to join or support any religious
10 organization or association; and

11 (3) "Rights guaranteed by the first amendment to the United States
12 Constitution or section 3, 4 or 14 of article first of the Constitution of
13 the state" includes, but is not limited to, the right of freedom of speech,
14 freedom of religion and freedom of association, and shall include the
15 right not to be required to listen to speech.

16 (b) [Any] Except as provided in subsections (c) and (d) of this

17 section, any employer, including the state and any instrumentality or
18 political subdivision thereof, who subjects or threatens to subject any
19 employee to discipline or discharge on account of (1) the exercise by
20 such employee of rights guaranteed by the first amendment to the
21 United States Constitution or section 3, 4 or 14 of article first of the
22 Constitution of the state, provided such activity does not substantially
23 or materially interfere with the employee's bona fide job performance
24 or the working relationship between the employee and the employer,
25 or (2) such employee's refusal to (A) attend an employer-sponsored
26 meeting with the employer or its agent, representative or designee, the
27 primary purpose of which is to communicate the employer's opinion
28 concerning religious or political matters, or (B) listen to speech or view
29 communications, the primary purpose of which is to communicate the
30 employer's opinion concerning religious or political matters, shall be
31 liable to such employee for damages caused by such discipline or
32 discharge, including punitive damages, and for reasonable attorney's
33 fees as part of the costs of any [such] action for damages. If the court
34 determines that such action for damages was brought without
35 substantial justification, the court may award costs and reasonable
36 attorney's fees to the employer.

37 (c) Nothing in this section shall prohibit: (1) An employer or its
38 agent, representative or designee from communicating to its
39 employees any information that the employer is required by law to
40 communicate, but only to the extent of such legal requirement; (2) an
41 employer or its agent, representative or designee from communicating
42 to its employees any information that is necessary for such employees
43 to perform their job duties; (3) an institution of higher education, or
44 any agent, representative or designee of such institution, from meeting
45 with or participating in any communications with its employees that
46 are part of coursework, any symposia or an academic program at such
47 institution; (4) casual conversations between employees or between an
48 employee and an agent, representative or designee of an employer,
49 provided participation in such conversations is not required; or (5) a
50 requirement limited to the employer's managerial and supervisory

51 employees.

52 (d) The provisions of this section shall not apply to a religious
53 corporation, entity, association, educational institution or society that
54 is exempt from the requirements of Title VII of the Civil Rights Act of
55 1964 pursuant to 42 USC 2000e-1(a) or is exempt from sections 4a-60a,
56 46a-81a and 46a-81o pursuant to section 46a-81p, with respect to
57 speech on religious matters to employees who perform work
58 connected with the activities undertaken by such religious corporation,
59 entity, association, educational institution or society.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2019	31-51q

Statement of Legislative Commissioners:

In Section 1(a)(3), "except as set forth in subsections (c) and (d) of this section" was removed and reinserted into Section 1(b) for consistency with standard drafting conventions; and in Section 1(d) "under 42 USC 2000e-1(a) or sections 4a-60a, 46a-81a and 46a-81o under section 46a-81p" was changed to "pursuant to 42 USC 2000e-(1)(a) or is exempt from sections 4a-60a, 46a-81a and 46a-81o pursuant to section 46a-81p" for clarity and consistency.

JUD *Joint Favorable Subst.*