



General Assembly

Amendment

January Session, 2019

LCO No. 9804



Offered by:

SEN. FASANO, 34th Dist.

SEN. WITKOS, 8th Dist.

To: Subst. Senate Bill No. 440

File No. 855

Cal. No. 451

"AN ACT PROTECTING EMPLOYEE FREEDOM OF SPEECH AND CONSCIENCE."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2019*) (a) As used in this
4 section:

5 (1) "Labor organization" has the same meaning as provided in
6 subdivision (9) of section 31-101 of the general statutes;

7 (2) "Employer" means a person engaged in business who has more
8 than one employee, including the state and any political subdivision of
9 the state;

10 (3) "Member" means any person who is a member of a labor
11 organization; and

12 (4) "Threatening or coercive conduct" means an intimidating

13 statement or action made or undertaken by a labor organization to
14 suggest injury or imply injury to a member or a member's rights in
15 order to force compliance by duress with the labor organization's
16 directives. "Threatening or coercive conduct" includes, but is not
17 limited to, making false promises, providing misleading information,
18 member isolation, and with respect to a member's position within the
19 organization, assignment changes, demotion, denial of promotion,
20 suspension or other forms of discipline undertaken without just cause.

21 (b) No labor organization, or agent, representative or designee of
22 such labor organization, shall engage in threatening or coercive
23 conduct.

24 (c) No labor organization, or agent, representative or designee of
25 such labor organization, shall discipline or penalize, or threaten to
26 discipline or penalize, any member because such member, or a person
27 acting on behalf of such member, makes a good-faith report, orally or
28 in writing, of a violation or a suspected violation of the provisions of
29 this section. The provisions of this section shall not apply when the
30 member knows that such report is false.

31 (d) Any member who is alleged to have been disciplined or
32 penalized in violation of the provisions of this section may bring an
33 administrative complaint to the State Board of Labor Relations, not
34 later than ninety days after the date of the alleged violation. The State
35 Board of Labor Relations may award a prevailing member all
36 appropriate relief, including reestablishment of any member benefits
37 for which the member would otherwise have been eligible if the
38 violation had not occurred. The board shall award such member treble
39 damages, together with reasonable attorney's fees and costs.

40 (e) Any member aggrieved by a decision of the State Board of Labor
41 Relations issued pursuant to subsection (d) of this section may appeal
42 such decision, not later than ninety days after the date on which the
43 decision was issued, to the superior court for the judicial district where
44 the violation is alleged to have occurred or where the labor

45 organization has its principal office. The court may award a prevailing
 46 member all appropriate relief, including reestablishment of any
 47 member benefits for which the member would otherwise have been
 48 eligible if the violation had not occurred. The court shall award a
 49 prevailing member treble damages, together with reasonable
 50 attorney's fees and costs.

51 (f) Nothing in this section shall prohibit a member from bringing a
 52 common law cause of action against a labor organization or diminish
 53 or impair the rights of a person under any collective bargaining
 54 agreement."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	New section