



Offered by:  
REP. FISHBEIN, 90<sup>th</sup> Dist.  
REP. ARORA, 151<sup>st</sup> Dist.

To: Subst. Senate Bill No. 163                      File No. 482                      Cal. No. 456

(As Amended)

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

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1        Strike subsection (b) of section 1 in its entirety and substitute the  
2        following in lieu thereof:

3        "(b) Except as provided in subsections (c) and (d) of this section, any  
4        employer, including the state and any instrumentality or political  
5        subdivision thereof, who subjects or threatens to subject any employee  
6        to discipline or discharge on account of (1) the exercise by such  
7        employee of rights guaranteed by the first amendment to the United  
8        States Constitution or section 3, 4 or 14 of article first of the Constitution  
9        of the state, provided such activity does not substantially or materially  
10       interfere with the employee's bona fide job performance or the working  
11       relationship between the employee and the employer, or (2) such  
12       employee's refusal to (A) attend an employer-sponsored meeting with  
13       the employer or its agent, representative or designee, the primary  
14       purpose of which is to communicate the employer's opinion concerning  
15       religious or political matters, or (B) listen to speech or view

16 communications, the primary purpose of which is to communicate the  
17 employer's opinion concerning religious or political matters, shall be  
18 liable to such employee for [damages caused by such discipline or  
19 discharge, including punitive damages, and for reasonable attorney's  
20 fees as part of the costs of any such action for damages] the full amount  
21 of gross loss of wages or compensation, with costs and such reasonable  
22 attorney's fees as may be allowed by the court. If the court determines  
23 that such action for damages was brought without substantial  
24 justification, the court [may] shall award costs and reasonable attorney's  
25 fees to the employer."