



Offered by:
SEN. BERTHEL, 32nd Dist.

To: Subst. Senate Bill No. 163

File No. 482

Cal. No. 324

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

1 Strike lines 16 to 52, inclusive, in their 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, or any labor organization, as defined in section 31-
6 77, who subjects or threatens to subject any employee to discipline or
7 discharge on account of (1) the exercise by such employee of rights
8 guaranteed by the first amendment to the United States Constitution or
9 section 3, 4 or 14 of article first of the Constitution of the state, provided
10 such activity does not substantially or materially interfere with the
11 employee's bona fide job performance or the working relationship
12 between the employee and the employer, or the employee and the labor
13 organization or (2) such employee's refusal to (A) attend an employer-
14 sponsored meeting with the employer or its agent, representative or
15 designee, the primary purpose of which is to communicate the
16 employer's opinion concerning religious or political matters, (B) attend
17 a labor organization-sponsored meeting with the labor organization or
18 its agent, representative or designee, the primary purpose of which is to
19 communicate the labor organization's opinion concerning religious or

20 political matters, or (C) listen to speech or view communications, the
21 primary purpose of which is to communicate the employer's or labor
22 organization's opinion concerning religious or political matters, shall be
23 liable to such employee for [damages caused by such discipline or
24 discharge, including punitive damages, and for reasonable attorney's
25 fees as part of the costs of any such action for damages] the full amount
26 of gross loss of wages or compensation, with costs and such reasonable
27 attorney's fees as may be allowed by the court. If the court determines
28 that such action for damages was brought without substantial
29 justification, the court may award costs and reasonable attorney's fees
30 to the employer or labor organization.

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