
By: **Delegates Marriott, Barkley, Cardin, Goodwin, Gutierrez, Lee,
Madaleno, McHale, Menes, Nathan-Pulliam, Niemann, Paige, Parker,
Ramirez, and V. Turner**

Introduced and read first time: February 10, 2006
Assigned to: Appropriations and Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Worker Freedom Act of 2006**

3 FOR the purpose of prohibiting an employer from requiring an employee to attend an
4 employer-sponsored event for the purpose of communicating the employer's
5 opinion regarding religious and political matters; prohibiting an employer from
6 taking, or threatening to take, certain disciplinary actions against an employee
7 for certain purposes; authorizing an employee to take certain civil action against
8 an employer in a certain manner for a violation of this Act; authorizing a certain
9 circuit court to award certain costs and fees to a prevailing employee; defining
10 certain terms; providing for the application and construction of this Act; and
11 generally relating to the communication of the opinions of employers regarding
12 religious and political matters.

13 BY adding to
14 Article - Labor and Employment
15 Section 3-709
16 Annotated Code of Maryland
17 (1999 Replacement Volume and 2005 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Labor and Employment**

21 3-709.

22 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
23 INDICATED.

24 (2) (I) "EMPLOYER" MEANS:

25 1. A PERSON ENGAGED IN BUSINESS, INDUSTRY,
26 PROFESSION, TRADE, OR OTHER ENTERPRISE IN THE STATE;

1 (II) BECAUSE THE EMPLOYEE, OR A PERSON ACTING ON BEHALF
2 OF THE EMPLOYEE, MAKES A GOOD-FAITH ORAL OR WRITTEN REPORT OF A
3 VIOLATION OF SUBSECTION (C) OF THIS SECTION.

4 (E) (1) AN EMPLOYEE MAY BRING A CIVIL ACTION AGAINST AN EMPLOYER
5 THAT VIOLATES ANY PROVISION OF THIS SECTION AFTER NO MORE THAN 90 DAYS
6 AFTER THE ALLEGED VIOLATION IN A CIRCUIT COURT FOR THE COUNTY IN WHICH
7 THE ALLEGED VIOLATION OCCURRED OR THE COUNTY IN WHICH THE PRINCIPAL
8 OFFICE OF THE EMPLOYER IS LOCATED.

9 (2) THE CIRCUIT COURT SHALL AWARD A PREVAILING EMPLOYEE:

10 (I) TREBLE DAMAGES;

11 (II) REASONABLE ATTORNEY'S FEES; AND

12 (III) REASONABLE COSTS OF LITIGATION.

13 (3) THE CIRCUIT COURT MAY AWARD A PREVAILING EMPLOYEE ALL
14 APPROPRIATE RELIEF, INCLUDING:

15 (I) REINSTATEMENT OF THE EMPLOYEE TO THE EMPLOYEE'S
16 FORMER POSITION;

17 (II) BACK PAY; AND

18 (III) REESTABLISHMENT OF ANY EMPLOYEE BENEFITS THE
19 EMPLOYEE WOULD HAVE BEEN ENTITLED TO HAD THE VIOLATION NOT OCCURRED.

20 (F) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT AN
21 EMPLOYEE'S RIGHT TO BRING A COMMON LAW CAUSE OF ACTION AGAINST AN
22 EMPLOYER FOR WRONGFUL TERMINATION OR TO DIMINISH OR IMPAIR THE RIGHTS
23 OF A PERSON UNDER ANY COLLECTIVE BARGAINING AGREEMENT.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2006.