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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

A PERSON ENGAGED IN BUSINESS, INDUSTRY,

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 employer-sponsored event for the purpose of communicating the employer's 4 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 an employer in a certain manner for a violation of this Act; authorizing a certain 8 circuit court to award certain costs and fees to a prevailing employee; defining 9 certain terms; providing for the application and construction of this Act; and 10 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 Annotated Code of Maryland 16 17 (1999 Replacement Volume and 2005 Supplement) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 18 19 MARYLAND, That the Laws of Maryland read as follows: 20 **Article - Labor and Employment** 21 3-709. IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS 22 (A) (1) 23 INDICATED. 24 (2)(I) "EMPLOYER" MEANS:

1. 26 PROFESSION, TRADE, OR OTHER ENTERPRISE IN THE STATE;

2 **UNOFFICIAL COPY OF HOUSE BILL 1468** 1 2. THE STATE AND ITS UNITS; 2 3. A COUNTY AND ITS UNITS; AND 3 A MUNICIPAL CORPORATION AND ITS UNITS. 4. "EMPLOYER" INCLUDES AN AGENT, REPRESENTATIVE, OR 4 (II)5 DESIGNEE OF THE EMPLOYER. "LABOR ORGANIZATION" MEANS AN ORGANIZATION THAT EXISTS 6 7 FOR THE PURPOSE, IN WHOLE OR IN PART, OF COLLECTIVE BARGAINING OR OF 8 DEALING WITH EMPLOYERS CONCERNING GRIEVANCES, TERMS OR CONDITIONS OF 9 EMPLOYMENT, OR OF OTHER MUTUAL AID OR PROTECTION IN CONNECTION WITH 10 EMPLOYMENT. 11 "POLITICAL MATTERS" INCLUDES POLITICAL PARTY AFFILIATION OR 12 THE DECISION TO JOIN OR NOT JOIN A LAWFUL POLITICAL, SOCIAL, OR COMMUNITY 13 GROUP OR ACTIVITY OR ANY LABOR ORGANIZATION. THIS SECTION DOES NOT APPLY TO: 14 (B) A RELIGIOUS ORGANIZATION THAT REQUIRES EMPLOYEES OF THE 15 16 ORGANIZATION TO ATTEND AN EMPLOYER-SPONSORED MEETING OR TO 17 PARTICIPATE IN ANY COMMUNICATIONS WITH THE EMPLOYER FOR THE PRIMARY 18 PURPOSE OF COMMUNICATING THE EMPLOYER'S RELIGIOUS BELIEFS. PRACTICES. 19 OR TENETS; OR 20 A POLITICAL ORGANIZATION THAT REQUIRES EMPLOYEES OF THE 21 ORGANIZATION TO ATTEND AN EMPLOYER-SPONSORED MEETING OR TO 22 PARTICIPATE IN ANY COMMUNICATIONS WITH THE EMPLOYER FOR THE PRIMARY 23 PURPOSE OF COMMUNICATING THE EMPLOYER'S POLITICAL TENETS OR PURPOSES. 24 AN EMPLOYER MAY NOT REQUIRE AN EMPLOYEE TO ATTEND AN 25 EMPLOYER-SPONSORED MEETING OR PARTICIPATE IN ANY COMMUNICATIONS WITH 26 THE EMPLOYER FOR THE PURPOSE OF COMMUNICATING THE EMPLOYER'S OPINION 27 REGARDING RELIGIOUS OR POLITICAL MATTERS. THIS SUBSECTION DOES NOT APPLY IF AN EMPLOYEE 28 29 INTENTIONALLY FILES A FALSE ORAL OR WRITTEN REPORT OF AN ALLEGED 30 VIOLATION OF SUBSECTION (C) OF THIS SECTION. AN EMPLOYER MAY NOT DISCHARGE, DISCIPLINE, OR OTHERWISE 31 32 PENALIZE OR THREATEN TO DISCHARGE. DISCIPLINE. OR OTHERWISE PENALIZE AN 33 EMPLOYEE:

35 OR PARTICIPATE IN COMMUNICATIONS DESCRIBED IN SUBSECTION (C) OF THIS

(I)

36 SECTION; OR

IN ORDER TO REQUIRE AN EMPLOYEE TO ATTEND A MEETING

25 October 1, 2006.

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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. 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. THE CIRCUIT COURT MAY AWARD A PREVAILING EMPLOYEE ALL 13 (3) 14 APPROPRIATE RELIEF, INCLUDING: REINSTATEMENT OF THE EMPLOYEE TO THE EMPLOYEE'S 15 (I) 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. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT AN 20 (F) 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.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect