
By: **Senator Exum**

Introduced and read first time: February 3, 2006

Assigned to: Finance

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;

27 2. THE STATE AND ITS UNITS;

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

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

7 (I) TREBLE DAMAGES;

8 (II) REASONABLE ATTORNEY'S FEES; AND

9 (III) REASONABLE COSTS OF LITIGATION.

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

12 (I) REINSTATEMENT OF THE EMPLOYEE TO THE EMPLOYEE'S
13 FORMER POSITION;

14 (II) BACK PAY; AND

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

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

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