

House Bill 3507

Sponsored by Representative ROBLAN

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies definition of political matters and scope of immunity from adverse employment action against employees, for purposes of application of employee right to decline to receive certain workplace communications.

A BILL FOR AN ACT

1
2 Relating to mandatory workplace communications to employee about employer's opinions; amending
3 sections 1 and 2, chapter _____, Oregon Laws 2009 (Enrolled Senate Bill 519).

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** If Senate Bill 519 becomes law, section 1, chapter _____, Oregon Laws 2009
6 (Enrolled Senate Bill 519), is amended to read:

7 **Sec. 1.** As used in this section and section 2 [*of this 2009 Act*], **chapter _____, Oregon Laws**
8 **2009 (Enrolled Senate Bill 519):**

9 (1) "Constituent group" includes, but is not limited to, civic associations, community groups,
10 social clubs and mutual benefit alliances, including labor organizations.

11 (2) "Employee" means an individual engaged in service to an employer in a business of the em-
12 ployer.

13 (3) "Employer" includes:

14 (a) A person engaged in business that has employees; and

15 (b) A public body, as defined in ORS 174.109.

16 (4) "Labor organization" means an organization that exists for the purpose, in whole or in part,
17 of collective bargaining, of dealing with employers concerning grievances, terms or conditions of
18 employment or of other mutual aid or protection in connection with employment.

19 (5) "Political matters" includes **activity related to** political party affiliation, campaigns for
20 [*legislation*] **measures, as defined in ORS 260.005**, or candidates for political office and the deci-
21 sion to join, not join, support or not support any lawful political or constituent group [*or activity*].

22 (6) "Religious matters" includes **activity related to** religious affiliation or the decision to join,
23 not join, support or not support a bona fide religious organization.

24 **SECTION 2.** If Senate Bill 519 becomes law, section 2, chapter _____, Oregon Laws 2009
25 (Enrolled Senate Bill 519), is amended to read:

26 **Sec. 2.** (1) An employer or the employer's agent, representative or designee may not discharge,
27 discipline or otherwise penalize or threaten to discharge, discipline or otherwise penalize or take
28 any adverse employment action against an employee:

29 (a) [*Who*] **Because the employee** declines to attend or participate in an employer-sponsored
30 meeting or communication with the employer or the agent, representative or designee of the em-
31 ployer if the primary purpose of the meeting or communication is to communicate the opinion of the

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 employer about religious or political matters;

2 (b) As a means of requiring an employee to attend a meeting or participate in communications
3 described in paragraph (a) of this subsection; or

4 (c) Because the employee, or a person acting on behalf of the employee, makes a good faith re-
5 port, orally or in writing, of a violation or a suspected violation of this section. This paragraph does
6 not apply if the employee knows that the report is false.

7 (2) An aggrieved employee may bring a civil action to enforce this section no later than 90 days
8 after the date of the alleged violation in the circuit court of the judicial district where the violation
9 is alleged to have occurred or where the principal office of the employer is located. The court may
10 award a prevailing employee all appropriate relief, including injunctive relief, rehiring or rein-
11 statement of the employee to the employee's former position or an equivalent position, back pay and
12 reestablishment of any employee benefits, including seniority, to which the employee would other-
13 wise have been eligible if the violation had not occurred and any other appropriate relief as deemed
14 necessary by the court to make the employee whole. The court shall award a prevailing employee
15 treble damages, together with reasonable attorney fees and costs.

16 (3) An employer subject to this section shall post a notice of employee rights under this section
17 in a place normally reserved for employment-related notices and in a place commonly frequented by
18 employees.

19 (4) This section does not:

20 (a) Limit an employee's right to bring a common law cause of action against an employer for
21 wrongful termination;

22 (b) Diminish or impair the rights of a person under a collective bargaining agreement;

23 (c) Limit the application of ORS 260.432;

24 (d) Prohibit a religious organization from requiring its employees to attend an employer-
25 sponsored meeting or participate in any communication with the employer or the employer's agent,
26 representative or designee for the primary purpose of communicating the employer's religious be-
27 liefs, practices or tenets;

28 (e) Prohibit a political organization, including a political party or other organization that en-
29 gages, in substantial part, in political *[activities]* **matters**, from requiring the political organization's
30 employees to attend an employer-sponsored meeting or participate in any communication with the
31 employer or the employer's agent, representative or designee for the primary purpose of communi-
32 cating the employer's political tenets or purposes;

33 (f) Prohibit communications of information about religious or political matters that the employer
34 is required by law to communicate, but only to the extent of the lawful requirement;

35 (g) Prohibit mandatory meetings of an employer's executive or administrative personnel to dis-
36 cuss issues related to the employer's business, including those issues addressed in this section; or

37 (h) Limit the rights of an employer to offer meetings, forums or other communications about
38 religious or political matters for which attendance or participation is strictly voluntary.

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