

House Bill 2446

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Rules)

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 certain definitions and exceptions applicable to prohibition against employer taking adverse employment action against employee who declines to attend meeting or participate in communication concerning employer's opinion about religious or political matters. Modifies damages available to employee prevailing in civil action.

Declare emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to mandatory workplace communications to employee about employer's opinions; amending
3 ORS 659.780 and 659.785; and declaring an emergency.

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

5 **SECTION 1.** ORS 659.780 is amended to read:

6 659.780. As used in this section and ORS 659.785:

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

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

11 (3) "Employer" includes:

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

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

14 [(4) "*Labor organization*" means an organization that exists for the purpose, in whole or in part,
15 of collective bargaining, of dealing with employers concerning grievances, terms or conditions of em-
16 ployment or of other mutual aid or protection in connection with employment.]

17 [(5)] (4) "Political matters" includes activity related to political party affiliation, campaigns for
18 measures, [as defined] **including but not limited to measures specified** in ORS 260.005, or candi-
19 dates for political office and [the decision to join, not join, support or not support] **matters related**
20 **to** any lawful political or constituent group.

21 [(6)] (5) "Religious matters" [includes activity related to religious affiliation or the decision to join,
22 not join, support or not support a bona fide religious organization] **means all aspects of religious**
23 **observance, practice or belief.**

24 **SECTION 2.** ORS 659.785 is amended to read:

25 659.785. (1) An employer or the employer's agent, representative or designee may not discharge,
26 discipline or otherwise penalize or threaten to discharge, discipline or otherwise penalize or take
27 any adverse employment action against an employee:

28 (a) Because the employee declines to attend or participate in an employer-sponsored meeting or
29 communication with the employer or the agent, representative or designee of the employer if 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 primary purpose of the meeting or communication is to communicate the opinion of the employer
2 about religious or political matters;

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

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

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

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

22 (4) This section does not:

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

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

26 [(c)] (b) Limit the application of ORS 260.432;

27 [(d)] (c) [Prohibit a religious organization from requiring its employees to attend an employer-
28 sponsored meeting or participate in any communication with the employer or the employer's agent,
29 representative or designee for the primary purpose of communicating the employer's religious beliefs,
30 practices or tenets] **Apply to any requirement related to employer-sponsored meetings or com-
31 munication about religious matters by an employer that is a religious organization, corpo-
32 ration, association, educational institution or society;**

33 [(e)] (d) Prohibit a political organization, including a political party or other organization that
34 engages, in substantial part, in political matters, from requiring the political organization's employ-
35 ees to attend an employer-sponsored meeting or participate in any communication with the employer
36 or the employer's agent, representative or designee for the primary purpose of communicating the
37 employer's political tenets or purposes;

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

40 (f) **Prohibit mandatory employer-sponsored meetings with employees that are reasonably**
41 **necessary to the performance of actions by the employees that may be lawfully required by**
42 **the employer and that are related to the normal operation of the employer's business or**
43 **enterprise;**

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

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

3 **SECTION 3. This 2011 Act being necessary for the immediate preservation of the public**
4 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
5 **on its passage.**

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