

FEB 9 2006
COMMERCE, REGULATION & LABOR

HOUSE FILE 2328
BY PETERSEN and WISE

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act concerning communications by employers concerning
2 political and religious issues.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

HF 2328

1 Section 1. NEW SECTION. 730.6 EMPLOYER COMMUNICATIONS.

2 1. As used in this section, unless the context otherwise
3 requires:

4 a. "Employee" means a natural person who is employed in
5 this state for wages by an employer, and includes a research
6 assistant, research fellow, teaching assistant, teaching
7 fellow, post-doctoral associate, post-doctoral fellow, intern,
8 or resident at a nonprofit institution of higher education
9 eligible for tuition grants, and an intern or resident at a
10 nonprofit hospital.

11 b. "Employer" means a person who in this state employs for
12 wages a natural person and includes an employer's agent,
13 representative, or designee.

14 c. "Labor organization" means the same as defined in
15 section 216.2.

16 d. "Political matters" includes political party
17 affiliation or the decision to join or not join any lawful
18 political, social, or community group or activity or any labor
19 organization.

20 2. An employer shall not require the employer's employees
21 to attend an employer-sponsored meeting or participate in any
22 communications with the employer, the primary purpose of which
23 is to communicate the employer's opinion about religious or
24 political matters, except that an employer may communicate to
25 employees information about religious or political matters
26 that the employer is required by law to communicate, but only
27 to the extent of such legal requirement.

28 3. An employer shall not discharge, discipline, or
29 otherwise penalize or threaten to discharge, discipline, or
30 otherwise penalize any employee because the employee, or a
31 person acting on behalf of the employee, makes a good faith
32 report, verbally or in writing, of a violation or suspected
33 violation of this section. This subsection shall not apply if
34 the employee knows that such report is false at the time the
35 report is made.

1 4. An employee alleging to be aggrieved by a violation of
2 this section may file a civil action within ninety days after
3 the date of the alleged violation in a court of competent
4 jurisdiction in the county where the violation is alleged to
5 have occurred or where the employer has its principal office.
6 The court may award a prevailing employee all appropriate
7 relief, including reinstatement, back pay, and reestablishment
8 of any employee benefits to which the employee would otherwise
9 have been eligible if such violation had not occurred. The
10 court shall award a prevailing employee treble damages in an
11 amount up to three times the amount of all other damages
12 awarded, reasonable attorney fees, and costs.

13 5. This section shall not be construed to limit an
14 employee's right to bring any other action allowed by law
15 against an employer for wrongful termination or to diminish or
16 impair the rights of a person under any collective bargaining
17 agreement.

18 6. This section shall not prohibit any of the following:

19 a. A religious organization from requiring its employees
20 to attend an employer-sponsored meeting or to participate in
21 any communications with the employer or its agents or
22 representatives, the primary purpose of which is to
23 communicate the employer's religious beliefs, practices, or
24 tenets.

25 b. A political organization from requiring its employees
26 to attend an employer-sponsored meeting or to participate in
27 any communications with the employer or its agents or
28 representatives, the primary purpose of which is to
29 communicate the employer's political tenets or purposes.

30 c. An institution of higher education from requiring
31 student instructors to attend lectures on religious or
32 political matters that are part of the regular coursework at
33 such institution.

34

EXPLANATION

35 This bill relates to an employer's communications regarding

1 politics or religion to the employer's employees. The bill
2 prohibits an employer from requiring its employees to attend a
3 meeting or participate in communications with the employer
4 regarding the employer's opinion on religious or political
5 matters unless the employer is required to do so by law. The
6 bill prohibits an employer from discharging, disciplining, or
7 otherwise penalizing, or threatening to discharge, discipline,
8 or penalize an employee for making a good faith report of a
9 violation or suspected violation by an employer. An employee
10 who has been aggrieved by a violation by an employer may file
11 a civil action against the employer for back pay,
12 reinstatement, reestablishment of benefits, treble damages up
13 to three times the amount of all other damages awarded,
14 attorney fees, and costs.

15 The provisions of the bill shall not prohibit a religious
16 organization or political organization from requiring
17 employees to attend meetings or participate in communications
18 with the employer concerning religious or political matters
19 respectively. The provisions of the bill shall also not
20 prohibit an institution of higher education from requiring
21 student instructors to attend lectures on religious or
22 political matters related to the student's regular coursework.

23 The bill provides definitions of "employee", "employer",
24 "labor organization", and "political matters".

25
26
27
28
29
30
31
32
33
34
35