

FILED FEB 07 2006

BUSINESS & LABOR

SENATE FILE 2172
BY COURTNEY

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

A BILL FOR

1 An Act concerning employer communications about politics,
2 religion, and labor organizing activities and providing a
3 remedy.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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BUSINESS & LABOR

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1 Section 1. NEW SECTION. 730.6 PROHIBITED EMPLOYER
2 COMMUNICATIONS.

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

5 a. "Employee" means an employee of an employer who is
6 employed in a business of the employer.

7 b. "Employer" means a person engaged in a business who has
8 one or more employees and also includes the state of Iowa, its
9 various departments and agencies, and any political
10 subdivision of the state.

11 c. "Labor organization" means any organization which
12 exists for the purpose in whole or in part of collective
13 bargaining, or dealing with employers concerning grievances,
14 terms, or conditions of employment, or of other mutual aid or
15 protection in connection with employment.

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
19 labor organization.

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

30 3. An employer or an employer's agent shall not discharge,
31 discipline, or otherwise penalize or threaten to discharge,
32 discipline, or otherwise penalize any employee because the
33 employee, or a person acting on behalf of the employee, makes
34 a good faith report, verbally or in writing, of a violation or
35 a suspected violation of this section. The provisions of this

1 subsection shall not be applicable when the employee knows
2 that such report is false.

3 4. An aggrieved employee may enforce the provisions of
4 this section by means of a civil action brought no later than
5 ninety days after the date of the alleged violation in the
6 county where the violation is alleged to have occurred or
7 where the employer has its principal office. The court may
8 award a prevailing employee all appropriate relief, including
9 rehiring or reinstatement of the employee to the employee's
10 former position, back pay, and reestablishment of any employee
11 benefits to which the employee would otherwise have been
12 eligible if such violation had not occurred. The court shall
13 award a prevailing employee treble damages, together with
14 reasonable attorney fees and costs.

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

19 6. This section shall not be construed to prohibit any of
20 the following:

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

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

32 c. An educational institution may require student
33 instructors to attend lectures on political or religious
34 matters that are part of the regular coursework at such
35 institution.

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EXPLANATION

This bill prohibits employers from requiring employees to attend employer-sponsored meetings or participate in any communications, the primary purpose of which is to communicate the employer's opinion about religious or political matters. The bill defines political matters to include political party affiliation or the decision to join or not join any lawful, political, social, or community group or activity, or any labor organization. The bill provides that an employer shall not take disciplinary or other adverse employment action against an employee who makes a good faith report of a potential violation of this new provision. The bill allows an aggrieved employee to enforce the provisions of this new section by bringing a civil action within 90 days of the alleged violation. An employee may be awarded all appropriate relief, such as reinstatement and treble damages with reasonable attorney fees and costs. The bill provides that this new section does not apply to religious organizations, political organizations, and educational institutions as it relates to required lectures for student instructors.