

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2633

By: Gilbert

AS INTRODUCED

An Act relating to labor; enacting the Worker Freedom Act; defining terms; prohibiting employers from requiring employee attendance at certain meetings; providing exceptions; specifying enforcement procedure; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 240 of Title 40, unless there is created a duplication in numbering, reads as follows:

A. This section shall be known and may be cited as the "Worker Freedom Act".

B. As used in the Worker Freedom Act:

1. "Employer" means a person engaged in business that has employees, including the state and any political subdivisions of the state;

2. "Employee" means any person engaged in service to an employer in a business of the employer;

3. "Labor organization" means any organization that exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employment; and

4. "Political matters" includes political party affiliation or the decision to join or not join any lawful, political, social or community group or activity, or any labor organization.

C. No employer or agent, representative, or designee of an employer, may require its employees to attend an employer-sponsored meeting or participate in any communications with the employer or its agents or representatives, the primary purpose of which is to communicate the opinion of the employer regarding religious or political matters.

D. No employer or agent, representative, or designee of an employer shall discharge, discipline, or otherwise penalize any employee:

1. As a means of requiring an employee to attend a meeting or participate in communications described in subsection C of this section; or

2. Because the employee, or a person acting on behalf of the employee, makes a good faith report, verbally or in writing, of a suspected violation of this section, except that such prohibitions shall not be applicable when the employee knows the report is false.

E. Nothing in this section shall prohibit:

1. A religious organization from requiring its employees to attend an employer-sponsored meeting or to participate in any communications with the employer or its agents or representatives, the primary purpose of which is to communicate the religious beliefs, practices, or tenets of the employer; or

2. A political organization from requiring its employee to attend an employer-sponsored meeting or to participate in any communications with the employer or its agents or representatives, the primary purpose of which is to communicate the political tenets or purposes of the employer.

F. Any aggrieved employee may enforce the provisions of this section by means of a civil action brought no later than ninety (90) days after the date of the alleged violation in the court for the judicial district where the violation is alleged to have occurred or where the employer has its principal office. The court may award a

prevailing employee all appropriate relief, including rehiring or reinstatement of the employee to the former position of the employee, back pay, and reestablishment of any employee benefits to which the employee would otherwise have been eligible if the violation had not occurred. The court shall award a prevailing employee treble damages, together with reasonable attorney fees and costs.

G. Nothing in this section shall be construed to limit the right of an employee to bring a common law cause of action against an employer for wrongful termination or to diminish or impair the rights of a person under any collective bargaining agreement.

SECTION 2. This act shall become effective November 1, 2006.

50-2-8497          JR          01/13/06