

SECOND REGULAR SESSION

HOUSE BILL NO. 1371

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES MEADOWS (Sponsor), GEORGE, HARRIS (23), WHORTON,
WILDBERGER, JOLLY, YAEGER, LAMPE AND ROORDA (Co-sponsors).

Read 1st time January 12, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3783L.01I

AN ACT

To amend chapter 285, RSMo, by adding thereto six new sections relating to the Missouri worker's freedom act.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 285, RSMo, is amended by adding thereto six new sections, to be
2 known as sections 285.321, 285.322, 285.324, 285.326, 285.328, and 285.330, to read as
3 follows:

285.321. Sections 285.321 to 285.330 shall be known and may be cited as the
2 **"Missouri Worker's Freedom Act".**

285.322. As used in sections 285.321 to 285.330 the following terms shall mean:

2 (1) **"Employer", a person engaged in business who has employees, including the**
3 **state and any political subdivision of the state;**

4 (2) **"Employee", any person engaged in service to an employer in a business of the**
5 **employer, and includes research assistants, teaching fellows, post-doctoral associates,**
6 **interns and residents, at independent nonprofit institutions of higher education or**
7 **nonprofit general hospital facilities, the real property of which is the basis of a state grant**
8 **in lieu of taxes;**

9 (3) **"Labor organization", any organization that exists for the purpose, in whole or**
10 **in part, of collective bargaining or of dealing with employers concerning grievances, terms**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

11 or conditions of employment, or of other mutual aid or protection in connection with
12 employment; and

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

285.324. 1. Except as provided in subsections 2 and 3 of this section, no employer
2 or employer's agent, representative, or designee may require its employees to attend an
3 employer-sponsored meeting or participate in any communications with the employer or
4 its agents or representatives, the primary purpose of which is to communicate the
5 employer's opinion about religious or political matters.

6 2. An employer or its agent, representative, or designee may communicate to
7 employees information about religious or political matters that the employer is required
8 by law to communicate, but only to the extent of such legal requirement.

9 3. Nothing in sections 285.321 to 285.330 shall prohibit:

10 (1) A religious organization from requiring its employees to attend an employer-
11 sponsored meeting or to participate in any communications with the employer or its agents
12 or representatives, the primary purpose of which is to communicate the employer's
13 religious beliefs, practices, or tenets;

14 (2) A political organization from requiring its employees to attend an employer-
15 sponsored meeting or to participate in any communications with the employer or its agents
16 or representatives, the primary purpose of which is to communicate the employer's
17 political tenets or purposes; or

18 (3) An educational institution from requiring student instructors to attend lectures
19 on political or religious matters that are part of the regular coursework at such institution.

285.326. No employer or employer's agent, representative, or designee shall
2 discharge, discipline, or otherwise penalize or threaten to discharge, discipline, or
3 otherwise penalize any employee because the employee, or a person acting on behalf of the
4 employee, makes a good faith report, verbally or in writing, of a violation or a suspected
5 violation of the provisions of this section. The provisions of this section shall not be
6 applicable when the employee knows that such report is false.

285.328. Any aggrieved employee may enforce the provisions of this section by
2 means of a civil action brought no later than ninety days after the date of the alleged
3 violation in the court of the judicial circuit where the violation is alleged to have occurred
4 or where the employer has its principal office within the state. The court may award a
5 prevailing employee all appropriate relief, including rehiring or reinstatement of the
6 employee to the employee's former position, back pay and reestablishment of any employee

7 **benefits to which the employee would otherwise have been eligible if such violation had not**
8 **occurred. The court shall award a prevailing employee treble damages, together with**
9 **reasonable attorneys' fees and costs.**

2 **285.330. Nothing in sections 285.321 to 285.330 shall be construed to limit an**
3 **employee's right to bring a common law cause of action against an employer for wrongful**
4 **termination or to diminish or impair the rights of a person under any collective bargaining**
5 **agreement.**

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