

HB 376 -- Unlawful Employment Practices

Sponsor: Wildberger

This bill makes an abusive work environment an unlawful employment practice. An employer is liable for an unlawful employment practice committed by his or her employee. It is unlawful to retaliate against an employee because he or she opposed any unlawful employment practice or has made a charge, testified, assisted, or participated in any internal proceeding, arbitration and mediation proceeding, or legal action.

An employer found guilty of an unlawful employment practice may be enjoined from engaging in the practice and required to provide any relief deemed necessary by the court. When the unlawful employment practice did not result in a negative employment decision, the employer's liability for damages for emotional distress may not exceed \$25,000, and the employer may not be liable for punitive damages.

The provisions of the bill may be enforced solely by a private right of action. However, the action must commence no later than one year after the last act that comprises the alleged unlawful employment act.

The remedies in the bill are in addition to the remedies available in the Workers' Compensation Law. A person who believes he or she has been subjected to an unlawful employment act may accept workers' compensation benefits in connection with the act, but having done so, may not bring an action under the provisions of the bill for the same act.