

SECOND REGULAR SESSION

HOUSE BILL NO. 1416

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES FALLERT (Sponsor), SCHIEFFER, STILL, OXFORD,
WALTON GRAY, MEADOWS AND ROORDA (Co-sponsors).

3463L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 285, RSMo, by adding thereto one new section relating to the Missouri worker 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 one new section, to be known as section 285.320, to read as follows:

285.320. 1. This section shall be known and may be cited as the "Missouri Worker Freedom Act".

2. As used in this section, the following words shall mean:

(1) "Adverse employment action", discharge, discipline, or any adverse change in the status or the terms and conditions of the employee's employment;

(2) "Employee", any person employed by or engaged in service to an employer in a business of the employer;

(3) "Employer", any person acting directly or indirectly in the interest of an employer in relation to an employee;

(4) "Political matters", matters directly related to candidates, elected officials, ballot propositions, legislation, election campaigns, political parties, and political, social, community, and labor organizations;

(5) "Religious matters", all aspects of religious observances and practices, as well as beliefs.

3. (1) No employer shall require an employee to attend a meeting or listen to or respond to or participate in any other communication when a purpose of the requirement

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.

17 is to ensure that the employee receives communications relating to political matters or
18 religious matters or to influence the employee's beliefs, opinions, or actions about political
19 matters or religious matters.

20 (2) No employer shall take or threaten to take an adverse employment action
21 against an employee because the employee:

22 (a) Refuses to attend a meeting or listen or otherwise respond to or participate in
23 any other communication that the employee reasonably believes violates or would violate
24 this section;

25 (b) Challenges or opposes any practice that the employee reasonably believes
26 violates or would violate this section; or

27 (c) Makes a claim, files a suit, testifies, assists, or participates in any manner in any
28 investigation, proceeding, or hearing involving any practice that the employee reasonably
29 believes violates or would violate this section.

30 (3) This section shall not:

31 (a) Apply to any requirement related to meetings or any other communications
32 about religious matters by an employer which is a religious organization, corporation,
33 association, educational institution, or society;

34 (2) Prohibit any employer from requiring an employee to attend meetings, listen
35 to or otherwise respond to, or participate in any other communications if the meetings or
36 communications are reasonably necessary to the performance of actions by the employee
37 that may lawfully be required by the employer and are related to the normal operation of
38 the employer's business or enterprise.

39 4. (1) Any employee aggrieved by a violation of subsection 3 of this section may
40 bring a civil action in the circuit court of the county where the violation is alleged to have
41 occurred or where the employer has its principal office. The court may award a prevailing
42 employee injunctive relief, rehiring, or reinstatement of the employee to the employee's
43 former position or equivalent position; back pay and restoration of any other terms and
44 conditions of employment to which the employee would otherwise have been eligible if the
45 violation had not occurred; damages for any reasonably foreseeable losses sustained by the
46 employee as a result of such violation; and any other appropriate relief as deemed
47 necessary by the court to make the employee whole and restrain violation of subsection 3
48 of this section. The court shall award a prevailing employee an additional one hundred
49 percent of back pay as liquidated damages to compensate for harms caused by the delay
50 in payment, together with reasonable attorneys' fees and costs.

51 (2) Nothing in this section shall be construed to limit an employee's right to bring
52 any other cause of action permitted by law against an employer related to an adverse

53 employment action or to diminish or impair the rights of a person under any collective
54 bargaining agreement.

55 5. Employers shall post a notice of employee rights under this section in a
56 conspicuous place accessible to the employee at the employer's place of business.

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