

# HOUSE BILL No. 5038

October 5, 2011, Introduced by Rep. Meadows and referred to the Committee on Commerce.

A bill to establish the right of employees to pursue employment free from religious and political indoctrination; to limit employment actions based on attendance at, or receptivity to, employer-selected political or religious programs or communications; to prohibit retaliation for reporting or pursuing a remedy for a suspected violation of the act; and to provide sanctions and remedies.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. This act shall be known and may be cited as the  
2 "employee political and religious freedom act".

3           Sec. 3. As used in this act:

4           (a) "Employee" means an individual engaged in service to an  
5 employer in the business of the employer and includes a research  
6 assistant, research fellow, teaching assistant, teaching fellow,

1 postdoctoral associate, postdoctoral fellow, and medical intern or  
2 resident.

3 (b) "Employer" means an individual or entity engaged in  
4 business and includes this state and a political subdivision of  
5 this state.

6 (c) "Labor organization" means an organization that exists for  
7 the purpose, in whole or in part, of collective bargaining; dealing  
8 with employers concerning grievances or terms or conditions of  
9 employment; or mutual aid or protection in connection with  
10 employment.

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

14 Sec. 5. Except as necessary to comply with another law or as  
15 provided in section 13, an employer or an employer's agent,  
16 representative, or designee shall not require its employee to  
17 attend an employer-sponsored meeting or participate in any  
18 communication with the employer or its agent or representative if  
19 the primary purpose is to communicate the employer's opinion about  
20 religious or political matters.

21 Sec. 7. (1) An employer or an employer's agent,  
22 representative, or designee shall not discharge, discipline, or  
23 otherwise penalize, or threaten to discharge, discipline, or  
24 otherwise penalize, an employee because the employee or a person  
25 acting on behalf of the employee does any of the following:

26 (a) Makes a written or oral good faith report of a violation  
27 or a suspected violation of this act.

1 (b) Brings an action to enforce this act.

2 (c) Cooperates in an investigation or proceeding for  
3 enforcement of this act.

4 (2) The prohibition in this section does not apply if the  
5 employee knows that the report or the information on which the  
6 action or investigation is based is false.

7 Sec. 9. An aggrieved employee may bring a civil action to  
8 enforce the provisions of this act. The action shall be brought not  
9 more than 1 year after the date of the last alleged violation. The  
10 court shall award damages and equitable relief, which may include  
11 reinstatement, to fully compensate the employee. The court shall  
12 award a prevailing employee reasonable attorney fees and costs and  
13 may award up to 3 times actual damages as exemplary damages.

14 Sec. 11. This act provides an alternative cause of action to  
15 any remedy that may exist under other law. It does not limit an  
16 employee's right to bring a common law cause of action for wrongful  
17 termination or diminish or impair rights under a collective  
18 bargaining agreement.

19 Sec. 13. The prohibitions in this act do not apply to either  
20 of the following:

21 (a) Meetings or communications of a religious, political, or  
22 labor organization that are directed to its employees.

23 (b) Lectures or classes required of student instructors that  
24 cover matters that are part of the regular course work at an  
25 educational institution.