

REFERENCE TITLE: employer communications; religious; political beliefs...

State of Arizona  
Senate  
Forty-eighth Legislature  
Second Regular Session  
2008

## **SB 1247**

Introduced by  
Senators Burton Cahill: Rios

AN ACT

AMENDING TITLE 23, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 23-204; RELATING TO EMPLOYMENT PRACTICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 23, chapter 2, article 1, Arizona Revised Statutes,  
3 is amended by adding section 23-204, to read:

4 23-204. Employer communication about politics, religion or  
5 labor organizations: violations: exceptions:  
6 definitions

7 A. AN EMPLOYER OR AN EMPLOYER'S DESIGNEE SHALL NOT REQUIRE ANY  
8 EMPLOYEE TO ATTEND A MEETING SPONSORED BY THE EMPLOYER OR TO PARTICIPATE IN  
9 ANY COMMUNICATION WITH THE EMPLOYER THAT HAS A PRIMARY PURPOSE OF  
10 COMMUNICATING THE EMPLOYER'S OPINION ABOUT RELIGIOUS OR POLITICAL MATTERS.  
11 IF AN EMPLOYER IS REQUIRED BY ANOTHER LAW TO COMMUNICATE A RELIGIOUS OR  
12 POLITICAL MATTER TO AN EMPLOYEE, THE EMPLOYER MAY COMMUNICATE THAT RELIGIOUS  
13 OR POLITICAL MATTER TO THE EMPLOYEE.

14 B. AN EMPLOYEE MAY REPORT A VIOLATION OF THIS SECTION TO THE  
15 INDUSTRIAL COMMISSION. AN EMPLOYER OR AN EMPLOYER'S DESIGNEE SHALL NOT  
16 DISCHARGE, DISCIPLINE OR PENALIZE OR THREATEN TO DISCHARGE, DISCIPLINE OR  
17 PENALIZE ANY EMPLOYEE WHO MAKES A GOOD FAITH REPORT THAT AN EMPLOYER HAS  
18 VIOLATED THIS SECTION.

19 C. AN EMPLOYEE WHO IS AGGRIEVED BY REASON OF A VIOLATION OF THIS  
20 SECTION MAY FILE AN ACTION IN SUPERIOR COURT WITHIN NINETY DAYS OF THE  
21 ALLEGED VIOLATION TO ENFORCE THIS SECTION. THE COURT MAY AWARD A PREVAILING  
22 EMPLOYEE APPROPRIATE RELIEF, INCLUDING REHIRING OF THE EMPLOYEE TO THE  
23 EMPLOYEE'S FORMER POSITION, ANY LOST WAGES AND REESTABLISHMENT OF ANY  
24 EMPLOYEE BENEFITS. THE COURT SHALL AWARD A PREVAILING EMPLOYEE TREBLE  
25 DAMAGES, COSTS AND REASONABLE ATTORNEY FEES.

26 D. THIS SECTION SHALL NOT BE CONSTRUED TO LIMIT AN EMPLOYEE'S RIGHT TO  
27 BRING A COMMON LAW CAUSE OF ACTION AGAINST AN EMPLOYER FOR WRONGFUL  
28 TERMINATION OR TO IMPAIR THE RIGHTS OF A PERSON UNDER A COLLECTIVE BARGAINING  
29 AGREEMENT.

30 E. THIS SECTION DOES NOT PROHIBIT:

31 1. A RELIGIOUS ORGANIZATION FROM REQUIRING ITS EMPLOYEES TO ATTEND A  
32 MEETING OR PARTICIPATE IN COMMUNICATIONS WITH THE EMPLOYER THAT HAS A PRIMARY  
33 PURPOSE OF COMMUNICATING THE EMPLOYER'S RELIGIOUS BELIEFS, PRACTICES OR  
34 TENETS.

35 2. A POLITICAL ORGANIZATION FROM REQUIRING ITS EMPLOYEES TO ATTEND A  
36 MEETING OR PARTICIPATE IN COMMUNICATIONS WITH THE EMPLOYER THAT HAS A PRIMARY  
37 PURPOSE OF COMMUNICATING THE EMPLOYER'S POLITICAL TENETS OR PURPOSES.

38 3. AN EDUCATIONAL INSTITUTION FROM REQUIRING STUDENT INSTRUCTORS TO  
39 ATTEND LECTURES ON POLITICAL OR RELIGIOUS MATTERS THAT ARE PART OF THE  
40 REGULAR COURSE WORK AT THE INSTITUTION.

41 F. FOR THE PURPOSES OF THIS SECTION:

42 1. "EMPLOYEE" MEANS ANY PERSON WHO PERFORMS SERVICES FOR AN EMPLOYER  
43 UNDER A CONTRACT OF EMPLOYMENT EITHER MADE IN THIS STATE OR TO BE PERFORMED  
44 WHOLLY OR PARTLY IN THIS STATE.

- 1           2. "EMPLOYER" MEANS A PERSON OR ENTITY THAT EMPLOYS AT LEAST TWO OR  
2 MORE EMPLOYEES, INCLUDING THIS STATE AND ANY POLITICAL SUBDIVISION OF THIS  
3 STATE.  
4           3. "LABOR ORGANIZATION" MEANS ANY ORGANIZATION OF ANY KIND, OR ANY  
5 AGENCY OR EMPLOYEE REPRESENTATION COMMITTEE OR PLAN, IN WHICH EMPLOYEES  
6 PARTICIPATE AND THAT EXISTS FOR THE PURPOSE, IN WHOLE OR IN PART, OF DEALING  
7 WITH EMPLOYERS CONCERNING GRIEVANCES, LABOR DISPUTES, WAGES, RATES OF PAY,  
8 HOURS OF EMPLOYMENT OR OTHER CONDITIONS OF EMPLOYMENT.  
9           4. "POLITICAL MATTERS" INCLUDES POLITICAL PARTY AFFILIATION OR THE  
10 DECISION TO JOIN OR NOT TO JOIN ANY LAWFUL, POLITICAL, SOCIAL OR COMMUNITY  
11 GROUP, ACTIVITY OR LABOR ORGANIZATION.