

House Amendment 1287

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1 1 Amend Senate File 413, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 4, by inserting after line 22 the
1 4 following:
1 5 <Sec. _____. NEW SECTION. 20.32 EMPLOYER AND LABOR
1 6 ORGANIZATION COMMUNICATIONS.
1 7 1. As used in this section, unless the context
1 8 otherwise requires, "political matters" includes
1 9 political party affiliation or the decision to join or
1 10 not join any lawful political, social, or community
1 11 group or activity or any employee organization.
1 12 2. a. Any public employer shall not require the
1 13 public employer's public employees to attend an
1 14 employer-sponsored meeting or participate in any
1 15 communications with the public employer, the primary
1 16 purpose of which is to communicate the public
1 17 employer's opinion about religious or political
1 18 matters, except that a public employer may communicate
1 19 to employees information about religious or political
1 20 matters that the public employer is required by law to
1 21 communicate, but only to the extent of such legal
1 22 requirement.
1 23 b. An employee organization shall not require the
1 24 employee organization's public employee members to
1 25 attend a meeting sponsored by the employee
1 26 organization or participate in any communications with
1 27 the employee organization, the primary purpose of
1 28 which is to communicate the employee organization's
1 29 opinion about religious or political matters, except
1 30 that an employee organization may communicate to
1 31 members information about religious or political
1 32 matters that the employee organization is required by
1 33 law to communicate, but only to the extent of such
1 34 legal requirement.
1 35 3. a. A public employer shall not discharge,
1 36 discipline, or otherwise penalize or threaten to
1 37 discharge, discipline, or otherwise penalize any
1 38 public employee because the public employee, or a
1 39 person acting on behalf of the public employee, makes
1 40 a good faith report, verbally or in writing, of a
1 41 violation or suspected violation of this section.
1 42 This subsection shall not apply if the public employee
1 43 knows that such report is false at the time the report
1 44 is made.
1 45 b. An employee organization shall not discharge,
1 46 discipline, or otherwise penalize or threaten to
1 47 discharge, discipline, or otherwise penalize any
1 48 public employee member of the employee organization
1 49 because the public employee, or a person acting on
1 50 behalf of the public employee, makes a good faith
2 1 report, verbally or in writing, of a violation or
2 2 suspected violation of this section. This subsection
2 3 shall not apply if the public employee knows that such
2 4 report is false at the time the report is made.
2 5 4. A public employee alleging to be aggrieved by a
2 6 violation of this section may file a civil action
2 7 within ninety days after the date of the alleged
2 8 violation in a court of competent jurisdiction in the
2 9 county where the violation is alleged to have occurred
2 10 or where the public employer or employee organization
2 11 has its principal office. The court may award a
2 12 prevailing public employee all appropriate relief,
2 13 including reinstatement, back pay, and reestablishment
2 14 of any public employee or employee organization
2 15 benefits to which the public employee would otherwise
2 16 have been eligible if such violation had not occurred.
2 17 The court shall award a prevailing public employee
2 18 treble damages in an amount up to three times the
2 19 amount of all other damages awarded, reasonable
2 20 attorney fees, and costs.
2 21 5. This section shall not be construed to limit a
2 22 public employee's right to bring any other action
2 23 allowed by law against a public employer for wrongful
2 24 termination or to diminish or impair the rights of a

2 25 person under any collective bargaining agreement.
2 26 6. This section shall not prohibit any of the
2 27 following:
2 28 a. A political organization from requiring its
2 29 employees to attend a public employer=sponsored
2 30 meeting or to participate in any communications with
2 31 the public employer or its agents or representatives,
2 32 the primary purpose of which is to communicate the
2 33 public employer's political tenets or purposes.
2 34 b. An institution of higher education from
2 35 requiring student instructors to attend lectures on
2 36 religious or political matters that are part of the
2 37 regular coursework at such institution.>
2 38 #2. Title page, line 1, by inserting after the
2 39 words <An Act> the following: <concerning employment,
2 40 by providing for public employer and employee
2 41 organization communications and>.
2 42 #3. By renumbering as necessary.
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