

HOUSE BILL 277

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

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AN ACT

RELATING TO LABOR; PROHIBITING CERTAIN REQUIRED EMPLOYEE
MEETINGS AND COMMUNICATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. PROHIBITION AGAINST MANDATORY MEETINGS--
EXCEPTIONS--DEFINITIONS.--

A. An employer or employer's agent, representative
or designee shall not require employees to attend an employer-
sponsored meeting or to participate in any communication with
the employer or the employer's agent, representative or
designee, the purpose of which is to express the employer's
opinion about religious or political matters.

B. An employer or employer's agent, representative
or designee shall not discharge, discipline or otherwise
penalize, or threaten to discharge, discipline or otherwise

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1 penalize an employee:

2 (1) as a means of requiring an employee to
3 attend a meeting or participate in communications described in
4 Subsection A of this section or to punish the employee for not
5 doing so; or

6 (2) because an employee, or a person acting on
7 behalf of the employee, makes a good faith report, orally or in
8 writing, of a violation or a suspected violation of this
9 section, unless the employee knows that the report is false.

10 C. An aggrieved employee may enforce this section
11 by means of a civil action, commenced no later than ninety days
12 after the date of the alleged violation, in the court for the
13 judicial district in which the violation is alleged to have
14 occurred or in which the employer has its principal office. A
15 court may award a prevailing employee all appropriate relief,
16 including rehiring or reinstatement of the employee to the
17 employee's former position, back pay and reestablishment of any
18 employee benefits to which the employee would have been
19 otherwise eligible if such violation had not occurred. The
20 court shall award a prevailing employee treble damages together
21 with reasonable attorney fees and costs.

22 D. Nothing in this section shall be construed to
23 limit an employee's right to bring a common-law cause of action
24 against an employer for wrongful termination or to diminish or
25 impair the rights of a person under a collective bargaining

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1 agreement.

2 E. Nothing in this section shall prohibit:

3 (1) a religious organization from requiring
4 its employees to attend an employer-sponsored meeting or to
5 participate in any communications with the employer or the
6 employer's agent, representative or designee, the primary
7 purpose of which is to communicate the employer's religious
8 beliefs, practices or tenets; or

9 (2) a political organization from requiring
10 its employees to attend an employer-sponsored meeting or to
11 participate in any communications with the employer or the
12 employer's agent, representative or designee, the primary
13 purpose of which is to communicate the employer's political
14 tenets or purposes.

15 F. As used in this section:

16 (1) "employee" means any person engaged in
17 service to an employer in a business of the employer;

18 (2) "employer" means a person that is engaged
19 in business and that has employees. "Employer" includes the
20 state, a political subdivision of the state and a local
21 government;

22 (3) "labor organization" means an organization
23 that exists for the purpose, in whole or in part, of collective
24 bargaining or of dealing with employers concerning grievances,
25 terms or conditions of employment, or other mutual aid or

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1 protection for employees in connection with employment; and
2 (4) "political matters" includes a political
3 party affiliation or the decision to join or not to join any
4 lawful political, social or community group or activity or any
5 labor organization.

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