

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: SB324 would prohibit private employers from requiring prospective, current or former employees or independent contractors to sign nondisclosure or non-disparagement provisions in settlement agreements related to sexual assault, sexual harassment, sexual discrimination or sexual retaliation.

The bill also allows plaintiffs in civil cases involving these matters to present evidence that the employer against whom the action was filed included a nondisclosure or non-disparagement clause and can be used in support of punitive damages.

Lastly, this bill limits the enforceability of any nondisclosure or non-disparagement clause agreed to before the dispute arises and limits the enforceability of any pre-dispute arbitration agreement or pre-dispute joint-action waiver relating to a sexual assault, sexual harassment, sexual discrimination or sexual retaliation dispute.

This bill only applies to private employers and prospective, current, or former employees or independent contractors.

FISCAL IMPLICATIONS

This bill would not have a fiscal, performance or administrative impact on the General Services Department's (GSD) Risk Management Division (RMD) because RMD does not provide coverage to private employers or employees. Covered parties under RMD's Certificate of Coverage generally only include governmental entities and employees of governmental entities.

SIGNIFICANT ISSUES

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS