

Side-by-Side of “Captive Meeting” Provisions in S.102 and S.106

Bill	S.102	S.106
Section Heading	§ 495o. <u>EMPLOYEES’ EXERCISE OF CONSTITUTIONAL RIGHTS</u>	§ 495o. <u>EMPLOYER COMMUNICATIONS RELATING TO RELIGIOUS OR POLITICAL MATTERS; EMPLOYEE RIGHTS</u>
Prohibited Conduct	<p>(a) <u>Except as otherwise provided in subsections (b) and (c) of this section, an employer shall not discriminate against, discipline, discharge, or threaten to discipline or discharge an employee for any of the following reasons:</u></p> <p style="padding-left: 40px;">(1) <u>the employee’s exercise of a right guaranteed by the First Amendment of the U.S. Constitution or Chapter I, Article 3, 13, or 20 of the Vermont Constitution, provided that the employee’s exercise of that right does not substantially or materially interfere with the employee’s job performance or the working relationship between the employee and the employer;</u></p> <p style="padding-left: 40px;">(2) <u>the employee’s refusal to attend an employer-sponsored meeting that has the primary purpose of communicating the employer’s opinion regarding a religious matter or a political matter, regardless of whether the meeting is with the employer or an agent, representative, or designee of the employer; or</u></p> <p style="padding-left: 40px;">(3) <u>the employee’s refusal to listen to speech or view communications whose primary purpose is to communicate the employer’s opinion concerning a religious matter or a political matter.</u></p>	<p>(a) <u>An employer, or an employer’s agent, shall not discharge, discipline, penalize, or otherwise discriminate against, or threaten to discharge, discipline, penalize, or otherwise discriminate against, an employee:</u></p> <p style="padding-left: 40px;">(1) <u>because the employee declines:</u></p> <p style="padding-left: 80px;">(A) <u>to attend or participate in an employer-sponsored meeting that has the primary purpose of communicating the employer’s opinion about religious or political matters; or</u></p> <p style="padding-left: 80px;">(B) <u>to view or participate in communications with or from the employer or the employer’s agent that have the primary purpose of communicating the employer’s opinion about religious or political matters;</u></p> <p style="padding-left: 40px;">or</p> <p style="padding-left: 40px;">(2) <u>as a means of requiring an employee to:</u></p> <p style="padding-left: 80px;">(A) <u>attend an employer-sponsored meeting that has the primary purpose of communicating the employer’s opinion about religious or political matters;</u></p> <p style="padding-left: 80px;">(B) <u>view or participate in communications with or from the employer or the employer’s agent that have the primary purpose of communicating the employer’s opinion about religious or political matters.</u></p> <p>(b) <u>Nothing in this section shall be construed to limit:</u></p>

Side-by-Side of “Captive Meeting” Provisions in S.102 and S.106

		<p><u>(1) an employee’s right to bring a civil action for wrongful termination: or</u> <u>(2) diminish or limit any rights provided to an employee pursuant to a collective bargaining agreement or employment contract.</u></p>
<p>Exceptions</p>	<p><u>(b) Nothing in this section shall be construed to prohibit:</u> <u>(1) an employer or the employer’s agent from communicating information to an employee:</u> <u>(A) that the employer is required to communicate pursuant to State or federal law; or</u> <u>(B) that is necessary for the employee to perform the employee’s job functions or duties;</u> <u>(2) an institution of higher education or an agent of an institution of higher education from communicating with an employee regarding an academic program, symposium, or course at the institution; or</u> <u>(3) casual conversations between employees or between an employee and the employer or the employer’s agent, provided that the employee is not required to participate in the conversation.</u> <u>(c) Nothing in this section shall be construed to prohibit an employer that is a religious or denominational institution or organization, or any organization operated for charitable or educational purposes, that is operated, supervised, or controlled by or in connection with a religious organization, from communicating with its employees regarding the employer’s opinion on religious matters or from requiring the employees to listen to or view</u></p>	<p><u>(c) Nothing in this section shall be construed to prohibit an employer that is a religious or denominational institution or organization, or any organization operated for charitable or educational purposes, that is operated, supervised, or controlled by or in connection with a religious organization, from:</u> <u>(1) communicating with its employees regarding the employer’s opinion on religious matters;</u> <u>(2) requiring its employees to attend a meeting regarding the employer’s opinion on religious matters; or</u> <u>(3) requiring its employees to view or participate in communications from the employer or the employer’s agent regarding the employer’s opinion on religious matters.</u> <u>(d) Nothing in this section shall be construed to prohibit an employer that is a political organization, a political party, or an organization that engages, in substantial part, in political matters from:</u> <u>(1) communicating with its employees regarding the employer’s opinion on political matters;</u> <u>(2) requiring its employees to attend a meeting regarding the employer’s opinion on political matters; or</u> <u>(3) requiring its employees to view or participate in communications from the employer or</u></p>

Side-by-Side of “Captive Meeting” Provisions in S.102 and S.106

	<p><u>communications from the employer or the employer’s agent regarding the employer’s opinion on religious matters.</u></p>	<p><u>the employer’s agent regarding the employer’s opinion on political matters.</u> <u>(e) Nothing in this section shall be construed to prohibit an employer or the employer’s agent from:</u> <u>(1) communicating information to an employee:</u> <u>(A) that the employer is required to communicate pursuant to State or federal law; or</u> <u>(B) that is necessary for the employee to perform the employee’s job functions or duties;</u> <u>(2) requiring an employee to attend a meeting to discuss issues related to the employer’s business or operation when the discussion is necessary for the employee to perform the employee’s job functions or duties; or</u> <u>(3) offering meetings, forums, or other communications about religious or political matters for which attendance or participation is entirely voluntary.</u></p>
<p>Enforcement</p>	<p><u>(d)(1) The penalty and enforcement provisions of section 495b of this subchapter shall apply to this section.</u> <u>(2) The provisions against retaliation in subdivision 495(a)(8) of this subchapter shall apply to this section.</u></p>	<p><u>(f)(1) The penalty and enforcement provisions of section 495b of this subchapter shall apply to this section.</u> <u>(2) The provisions against retaliation in subdivision 495(a)(8) of this subchapter shall apply to this section.</u></p>
<p>Definitions</p>	<p><u>(e) As used in this section:</u> <u>(1) “Political matters” means matters relating to elections for political office; political parties; legislative proposals; proposals to change rules or regulations; and the decision to join or support any political party or political, civic, community, fraternal, or labor organization.</u></p>	<p><u>(g) As used in this section:</u> <u>(1) “Political matters” means matters relating to political affiliation, elections for political office, political parties, legislative proposals, proposals to change rules or regulations, and the decision to join or support any political party or political, civic, community, fraternal, or labor organization.</u></p>

Side-by-Side of “Captive Meeting” Provisions in S.102 and S.106

	<p><u>(2) “Religious matters” means matters relating to religious affiliation and practice and the decision to join or support any religious or denominational organization or institution.</u></p>	<p><u>(2) “Religious matters” means matters relating to religious affiliation and practice and the decision to join or support any religious or denominational organization or institution.</u></p>
--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------