SPONSOR: Rep. Morrison & Rep. Osienski & Sen. Walsh
Reps. Burns, Lambert, Phillips, Gorman; Sens. Mantzavinos, Townsend

HOUSE OF REPRESENTATIVES
153rd GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 84
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO EMPLOYER-SPONSORED MEETINGS OR COMMUNICATIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Subchapter II, Chapter 7, Title 19 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignate accordingly:

§ 711B. Employer-sponsored meetings or communications.

(a) As used in this section:

(1) "Political matters" means matters relating to political parties, legislation, regulation, public policy, campaigns for election, or the decision to join or support any political party or political, civic, community, fraternal, or labor organization.

(2) "Religious matters" means matters relating to religious belief, affiliation, practice, membership in, or support of any religious organization, association, or other group.

(b) Except as provided in subsections (c) and (d) of this section, it is an unlawful employment practice for an employer to discharge an employee or take any adverse employment action or threaten to take any adverse employment action with respect to an employee that declines to attend an employer-sponsored meeting or declines to participate in, receive, or listen to communications from the employer or the employer's agents or representatives, the purpose of which is to communicate the employer's opinion about religious or political matters. An employee who is working at the time of the meeting and elects not to attend a meeting described in this subsection must continue to be paid while the meeting is held.

(c) This section does not prohibit any of the following:

(1) An employer from communicating to its employees any information that the employer is required by law to communicate, but only to the extent of that legal requirement.

(2) An employer from communicating to its employees any information that is necessary for those employees to perform their job duties.

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(3) An institution of higher education, or any agent, representative, or designee of that institution, from meeting with or participating in any communications with its employees that are part of coursework, any symposia, or an academic program at that institution.

(4) An employer that is a public entity from communicating to its employees any information related to a policy of the public entity or any law or regulation that the public entity is responsible for administering.

(5) A tax exempt organization from communicating with its employees about policy issues that are relevant to the organization, its mission, or the people the organization serves. This paragraph does not include the expression of an employer's views about employees' formation of or membership in a union.

(d) This section does not apply to any of the following:

(1) A religious corporation, entity, association, educational institution, or society that is exempt from the requirements of Title VII of the Civil Rights Act of 1964 (Public Law 88-352) pursuant to 42 U.S.C. 2000e-1(a) or is exempt from employment discrimination protections of state law, with respect to speech on religious matters to employees who perform work connected with the activities undertaken by that religious corporation, entity, association, educational institution, or society.

(2) A political organization or party requiring its employees to attend an employer-sponsored meeting or to participate in any communications with the employer or its agents or representatives, the purpose of which is to communicate the employer's political tenets or purposes.

(3) An educational institution requiring a student or instructor to attend lectures on political or religious matters that are part of the regular coursework at the institution.

(4) A nonprofit, tax-exempt training program requiring a student or instructor to attend classroom instruction, complete fieldwork, or perform community service hours on political or religious matters as it relates to the mission of the training program or sponsor.

(5) An employer requiring employees to undergo training to comply with the employer's legal obligations, including obligations under civil rights laws and occupational safety and health laws.

§ 712. Enforcement provisions; powers of the Department; administrative process.

(a) The Department of Labor is empowered, as hereinafter provided, to prevent any person from engaging in any unlawful employment practice as set forth in §§ 711, 711A, 711B, 719A, 723, and 724 of this title. In connection with the performance of its duties, the Department may do all of the following:

(1) Investigate employment practices by permitting the Department to enter any place of employment at reasonable times; inspect and copy records or documents in the possession of the employer, the employment agency, or

labor organization; administer oaths, certify to official acts, take and cause to be taken depositions of witnesses; issue subpoenas compelling the attendance and testimony of witnesses and the production of papers, books, accounts, payrolls, documents, and records.

(2) Make, revise, or rescind such rules or regulations necessary or appropriate to administer or enforce this chapter in accordance with the provisions of § 10161(b) of Title 29.

(3) Commence civil actions in Superior Court for violations of this chapter, any published ~~regulations~~ regulations, or for civil penalties provided herein.

Section 2. Within 90 days from the effective date of this Act, the Department of Labor shall update the notice required under § 716(a) of Title 19 to include excerpts from or summaries of the provisions of Section 1 of this Act.