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
penalize an employee:

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

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

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

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

E. Nothing in this section shall prohibit:

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

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

F. As used in this section:

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

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

   (3) "labor organization" means an organization
that exists for the purpose, in whole or in part, of collective
bargaining or of dealing with employers concerning grievances,
terms or conditions of employment, or other mutual aid or
protection for employees in connection with employment; and

(4) "political matters" includes a political party affiliation or the decision to join or not to join any lawful political, social or community group or activity or any labor organization.