



Sen. Robert Peters

Filed: 3/21/2024

10300SB3649sam001

LRB103 36890 SPS 71313 a

1 AMENDMENT TO SENATE BILL 3649

2 AMENDMENT NO. _____. Amend Senate Bill 3649 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Worker Freedom of Speech Act.

6 Section 5. Findings; legislative intent.

7 (a) The General Assembly finds that it is in the public
8 policy interests of the State for all working Illinoisans to
9 have protections from mandatory participation in
10 employer-sponsored meetings if the meeting is designed to
11 communicate an employer's position on religious or political
12 matters.

13 (b) Employees should not be subject to intimidation
14 tactics, acts of retaliation, discipline, or discharge from
15 their employer for choosing not to participate in
16 employer-sponsored meetings.

1 Section 10. Definitions. As used in this Act:

2 "Department" means the Department of Labor.

3 "Director" means the Director of Labor.

4 "Employee" has the meaning given in Section 2 of the
5 Illinois Wage Payment and Collection Act.

6 "Employer" has the meaning given in Section 2 of the
7 Illinois Wage Payment and Collection Act. "Employer" includes
8 the State or any political subdivision of the State, unit of
9 local government, or State or local government agency.

10 "Interested party" means an organization that monitors or
11 is attentive to compliance with public or worker safety laws,
12 wage and hour requirements, or other statutory requirements.

13 "Political matters" means matters relating to elections
14 for political office, political parties, proposals to change
15 legislation, proposals to change regulations, proposals to
16 change public policy, and the decision to join or support any
17 political party or political, civic, community, fraternal, or
18 labor organization.

19 "Religious matters" means matters relating to religious
20 belief, affiliation, and practice and the decision to join or
21 support any religious organization or association.

22 "Voluntary" means, with respect to an action, that the
23 action is not:

24 (1) incentivized by a positive change in any
25 employment condition, including, but not limited to, any

1 form of compensation or any other benefit of employment;
2 and

3 (2) taken under threat of a negative change in any
4 employment condition for non-attendance, including, but
5 not limited to, the provisions set forth in Section 15,
6 any negative performance evaluation, or any other adverse
7 change in any form of compensation or any other benefit of
8 employment.

9 Section 15. Employee protections. An employer or the
10 employer's agent, representative, or designee may not
11 discharge, discipline, or otherwise penalize, threaten to
12 discharge, discipline, or otherwise penalize, or take any
13 adverse employment action against an employee:

14 (1) because the employee declines to attend or
15 participate in an employer-sponsored meeting or declines
16 to receive or listen to communications from the employer
17 or the agent, representative, or designee of the employer
18 if the meeting or communication is to communicate the
19 opinion of the employer about religious matters or
20 political matters;

21 (2) as a means of inducing an employee to attend or
22 participate in meetings or receive or listen to
23 communications described in paragraph (1); or

24 (3) because the employee, or a person acting on behalf
25 of the employee, makes a good faith report, orally or in

1 writing, of a violation or a suspected violation of this
2 Act.

3 Section 20. Right of action. An aggrieved employee or
4 interested party may bring a civil action to enforce any
5 provision of this Act no later than one year after the date of
6 the alleged violation or, where the aggrieved employee or
7 interested party has timely filed a complaint with the
8 Department as described in subsection (b) of Section 25, no
9 later than 90 days after receiving a notice from the
10 Department that the Department is taking no further
11 enforcement action on that complaint. The civil action shall
12 be filed in the circuit court where the violation is alleged to
13 have occurred or where the principal office of the employer is
14 located. A civil action may be brought by one or more employees
15 for and on behalf of themselves and other employees similarly
16 situated or by an interested party on behalf of an employee and
17 other employees similarly situated. The court may award a
18 prevailing employee or interested party all appropriate
19 relief, including injunctive relief, reinstatement to the
20 employee's former position or an equivalent position, back
21 pay, reestablishment of any employee benefits, including
22 seniority, to which the employee would otherwise have been
23 eligible if the violation had not occurred, and any other
24 appropriate relief as deemed necessary by the court to make
25 the employee whole. The court shall award a prevailing

1 employee reasonable attorney's fees and costs.

2 Section 25. Powers of the Department.

3 (a) The Department shall inquire into any alleged
4 violations of this Act to institute the actions for the
5 penalties provided in this Section and to enforce the
6 provisions of this Act. In addition to the relief set forth in
7 Section 20, an employer shall be assessed a civil penalty of
8 \$1,000 for each violation of Section 15, payable to the
9 Department. Each employee who is subject to a violation of
10 Section 15 shall constitute a separate violation.

11 (b) An employee may file a complaint with the Department
12 alleging violations of this Act by submitting a signed,
13 completed complaint on the form provided by the Department and
14 by submitting copies of all supporting documentation. A
15 complaint shall be filed within one year after the date of the
16 violation. The Department shall review a complaint to
17 determine whether there is cause and sufficient resources for
18 investigation.

19 (c) The Department shall have the following powers:

20 (1) Investigate and attempt equitably to adjust
21 controversies between employees and employers regarding
22 claims arising under this Act, including administering
23 oaths, subpoenaing and examining witnesses, issuing
24 subpoenas duces tecum requiring the production of books,
25 papers, records, and documents as may be evidence of any

1 matter under inquiry, and examining and inspecting the
2 books, papers, records, and documents as may relate to the
3 question in dispute. Service of subpoenas shall be made by
4 any sheriff or any person. Any court in this State, upon
5 the application of the Department, may compel attendance
6 of witnesses, the production of books and papers, and the
7 giving of testimony before the Department by attachment
8 for contempt or in any other way as the production of
9 evidence may be compelled before the court.

10 (2) Take complaints of claims arising under this Act
11 in the name of the Director and the Director's successors
12 in office and prosecute actions for relief when, in the
13 judgment of the Department, the claims are valid and
14 enforceable in the courts. No court costs or any fees for
15 necessary process and proceedings shall be payable in
16 advance by the Department for prosecuting the actions. If
17 there is a judgment rendered against the defendant, the
18 court shall assess as part of the judgment the costs of the
19 proceeding. Upon collection of the judgment, the
20 Department shall pay from the proceeds of the judgment the
21 amounts to the person entitled to compensation necessary
22 to make the person whole, including reasonable attorney's
23 fees and costs. The Department may join in a single
24 proceeding any number of claims against the same employer,
25 but the court shall have discretionary power to order a
26 severance or separate trial for hearings.

1 (3) Make complaint in circuit court of violations of
2 this Act.

3 In addition to these powers, subject to appropriation, the
4 Department may establish an administrative procedure to
5 adjudicate claims and to issue final and binding
6 administrative decisions on claims subject to the
7 Administrative Review Law. To establish the procedure, the
8 Director may adopt rules. The adoption, amendment, or
9 rescission of rules for the procedure shall be in conformity
10 with the requirements of the Illinois Administrative Procedure
11 Act. If a final and binding administrative decision issued by
12 the Department requires an employer or other party to pay
13 wages and other make whole relief, including reasonable
14 attorney's fees and costs in connection with a claim,
15 penalties, or other amounts in connection with a claim, and
16 the employer or other party has neither: (i) made the required
17 payment within 35 days after the issuance of the final and
18 binding administrative decision; nor (ii) timely filed a
19 complaint seeking review of the final and binding
20 administrative decision pursuant to the Administrative Review
21 Law in circuit court, the Department may file a verified
22 petition against the employer or other party to enforce the
23 final administrative decision and to collect any amounts due
24 in connection therewith in the circuit court of any county
25 where an office of the Department is located.

26 (d) Nothing in this Section shall be construed to prevent

1 an employee or interested party from bringing a civil action
2 for the employee's own claim for a violation of the Act as
3 described in Section 20.

4 Section 30. Notice. Within 30 days after the effective
5 date of this Act, an employer shall post and keep posted a
6 notice of employee rights under this Act where employee
7 notices are customarily placed.

8 Section 35. Exceptions. Nothing in this Act:

9 (1) prohibits communications of information that the
10 employer is required by law to communicate, but only to
11 the extent of the lawful requirement;

12 (2) limits the rights of an employer or its agent,
13 representative, or designee to conduct meetings involving
14 religious matters or political matters, so long as
15 attendance is voluntary, or to engage in communications,
16 so long as receipt or listening is voluntary;

17 (3) limits the rights of an employer or its agent,
18 representative, or designee from communicating to its
19 employees any information that is necessary for the
20 employees to perform their required job duties;

21 (4) prohibits an employer from requiring an employee
22 to attend diversity, equity, and inclusion programming,
23 cultural competency education, or similar activities; or

24 (5) prohibits an institution of higher education, or

1 any agent, representative, or designee of the institution,
2 from conducting meetings or participating in any
3 communications with its employees concerning any
4 coursework, symposia, research, publication, or an
5 academic program at the institution.".