

Bill A4429 Session 2024 - 2025
CHAPTER 138

An Act concerning prohibition of certain employer communications and supplementing and amending P.L.2006, c.53.

C.34:19-9.1 Findings, declarations.

1. The Legislature finds and declares that freedom of speech is a foundational ideal that is core to this nation's identity. While an employer is free to exercise a right to speech, the law needs to ensure current protections of the right of the workforce to perform the duties of their jobs instead of listening to an employer's speech on political matters.

2. Section 1 of P.L.2006, c.53 (C.34:19-9) is amended to read as follows:

C.34:19-9 Definitions relative to employer communications on religious, political matters to employees.

1. For the purposes of P.L.2006, c.53 (C.34:19-9 et seq.):

"Employer" means a person engaged in business who has employees, including the State and any political subdivision or other instrumentality of the State.

"Employee" means any person engaged in service to an employer for wages, salary, or other compensation.

"Political matters" means matters which relate to an electioneering communication as defined in section 3 of P.L.1973, c.83 (C.19:44A-3) and the employee's decision to join or support any political party or political, civic, community, fraternal, or labor organization or association.

3. Section 2 of P.L.2006, c.53 (C.34:19-10) is amended to read as follows:

C.34:19-10 Required participation by employee in meetings, communications prohibited; exception.

2. a. No employer or employer's agent, representative, or designee may, except as provided in subsection b. of this section or section 3 of P.L.2006, c.53 (C.34:19-11), require its employees to attend an employer-sponsored meeting or participate in any communications with the employer or its agents or representatives, the purpose of which is to communicate the employer's opinion about religious or political matters.

b. Nothing in P.L.2006, c.53 (C.34:19-9 et seq.):

(1) prohibits an employer from permitting its employees to voluntarily attend employer-sponsored meetings or providing other communications to the employees, if the employer notifies the employees that they may refuse to attend the meetings or accept the communications without penalty;

(2) prohibits communications of information that the employer is required by law to communicate;

(3) limits the rights of an employer or its agent, representative, or designee from communicating to its employees any information that is necessary for the employees to perform their required job duties, including by requiring employees to attend a meeting or participate in communications;

(4) prohibits an employer or its agent or representative, or designee from requiring its employees to attend any training to reduce or prevent unlawful workplace harassment or discrimination;

(5) prohibits an institution of higher education, or any agent, representative, or designee of the institution, from conducting mandatory meetings or participating in any communications with its employees concerning any coursework, symposia, research, publication, or an academic program at the institution;

(6) prohibits, where lawful, a candidate, candidate committee, joint candidates committee, political committee, continuing political committee, independent expenditure committee, political party committee or legislative leadership committee, lobbyist as defined in section 3 of P.L.1971, c.183 (C.52:13C-20), or a not-for-profit organization that is exempt from taxation under section 501(c)(3), 501(c)(4), 501(c)(5), or 501(c)(6) of the Internal Revenue Code (26 U.S.C. 501(c)(3) to 501(c)(6)), from requiring its staff or employees to attend an employer-sponsored meeting or participate in any communication with the employer or the employer's agent, representative, or designee for the purpose of communicating electioneering matters;

(7) prohibits the State and any political subdivision or other instrumentality of the State from requiring their employees to attend an employer-sponsored meeting or participate in any communication with the employer or the employer's agent, representative, or designee for the purpose of communicating the employer's proposals to change legislation, proposals to change regulations, or proposals to change public policy; or

(8) prohibits a religious organization from requiring its employees to attend an employer-sponsored meeting or participate in any communication with the employer or the employer's agent, representative, or designee for the purpose of communicating the employer's religious beliefs, practices, or tenets.

4. Section 4 of P.L.2006, c.53 (C.34:19-12) is amended to read as follows:

C.34:19-12 Retaliation against complaining employee prohibited.

4. No employer or employer's agent, representative, or designee shall discharge, discipline or otherwise penalize or threaten to discharge, discipline, or otherwise penalize any employee because:

- a. the employee, or a person acting on behalf of the employee, makes a good faith report, verbally or in writing, of a violation or suspected violation of P.L.2006, c.53 (C.34:19-9 et seq.); or
- b. the employee, pursuant to paragraph (1) of subsection a. of section 2 of P.L.2006, c.53 (C.34:19-10), refused to participate in a meeting or accept a communication.

5. Section 5 of P.L.2006, c.53 (C.34:19-13) is amended to read as follows:

C.34:19-13 Civil action by aggrieved employee.

5. Any aggrieved employee may enforce the provisions of P.L.2006, c.53 (C.34:19-9 et seq.) by means of a civil action brought no later than ninety days after the date of the alleged violation in Superior Court. The court shall award a prevailing employee all appropriate relief, including any of the following which are applicable to the violation:

- a. Injunctive relief, including, but not limited to, a restraining order against any continuing violation;
- b. The reinstatement of the employee to the employee's former position or an equivalent position and the reestablishment of any employee benefits and seniority rights;
- c. The payment of any lost wages, benefits, or other remuneration;
- d. The payment of reasonable attorneys' fees and costs of the action; and
- e. Other appropriate relief as considered necessary by the court.

In addition, the court may award the prevailing employee punitive damages not greater than treble damages or an assessment of a civil fine of not more than \$1,000 for a first violation of P.L.2006, c.53 (C.34:19-9 et seq.) and not more than \$5,000 for each subsequent violation, which shall be paid to the State Treasurer for deposit in the General Fund.

C.34:19-15 Notice of employee rights.

6. An employer subject to P.L.2006, c.53 (C.34:19-9 et seq.) shall post a notice of employee rights under P.L.2006, c.53 (C.34:19-9 et seq.) in a conspicuous place reserved for employment-related notices and in a place commonly frequented by employees.

C.34:19-16 Severability.

7. The provisions of P.L.2006, c.53 (C.34:19-9 et seq.) are severable. If any provision of P.L.2006, c.53 (C.34:19-9 et seq.) or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

8. This act shall take effect on the 90th day after enactment.

Approved September 3, 2025.