



House Labor Committee Meeting Minutes

5.12.21

Chair Osienski called the meeting to order at 3:00 p.m. He stated that the meeting was planned in accordance with HCR 1 and took the roll of the committee's members. Members present included Rep. Matthews, Rep. Moore, Rep. Bentz, Rep. Brady, Rep. Cooke, Rep. Lambert, Rep. Morrison, Rep. Smith, Rep. Smyk, Rep. Mathews, and Rep. Bolden.

Chair Osienski introduced **HB 154, AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO DISCRIMINATION IN EMPLOYMENT.**

Rep. Smith, the sponsor of the bill, explained that this bill is aimed to promote political equity and prevent discrimination in the workplace and hiring process. He shared that some of his constituents have voiced concerns that their political beliefs were being discriminated against at work. He shared that the bill would protect employees or people seeking employment from facing negative repercussions for sharing their beliefs, views, and politics publicly or online. He explained his belief that this bill is an extension of freedom of speech.

With permission from Chair Osienski, Rep. Smith asked the committee if they had any questions or comments regarding the legislation.

Chair Osienski shared his appreciation for having the bill brought forward and asked a question pertaining to the Department of Justice's (DOJ) concerns about the broad language of "political beliefs and ideology". Chair Osienski explained that the definition could pose a burden on the court system or private businesses.

Rep. Moore expressed concern over the term "political beliefs" as well, explaining it can have a very wide interpretation. She stated that Rep. Smith's bill defines "political beliefs" as one's judgment, values, or ideologies that a person may hold. She asked if the bill would apply to a situation wherein a police academy considers an applicant that posted on their public social media that protestors deserve the same fate as George Floyd.

Rep. Smith responded that going on a case by case basis is a challenge when discussing legislation, it is one of the reasons that the DOJ wants to better define the term "political beliefs" and find more specificity around the language. He explained that in the spirit of the bill, the employee should not be discriminated against for sharing their beliefs online.

Rep. Moore asked if the bill is aiming to protect racism under free speech, political belief, or values.

Rep. Smith stated that he does not know if racism would be considered a political belief, and reiterated that party affiliation and political beliefs should be protected.

Rep. Smyk asked if the bill would just protect party affiliation rather than political belief.

Rep. Smith explained that the bill does protect party affiliation but adds political beliefs as further protection for free speech. He stated he will work with the DOJ and Office of the Attorney General to better define the language.

Rep. Cooke stated that a belief is a state of mind, such as religious beliefs. He asked if the right to share these beliefs publicly or in the workplace is the bill's goal.

Rep. Smith stated he must narrow the scope of the definition with the DOJ. He explained that when people share their beliefs in the workplace or online, they often face repercussions. The bill seeks to protect those who share political ideologies publicly.

Rep. Moore asked Rep. Smith said it would be better to table the bill and revisit it once there is a consensus on language from stakeholders.

Rep. Smith requested that the bill be released. He stated he is a Republican legislator pushing for this bill in a Democrat-controlled legislature, so it will likely not pass. He stated he would not bring it to the House floor unless there is agreement on the language and again requested for the bill to be released for consideration before the full House.

Chair Osienski opened the floor to public comment.

Secretary Karryl Hubbard of the Department of Labor expressed that the bill would add additional stress, staff, and requirements on their agency. She explained that the agency is already funded for anti-discrimination work through federal funds and that this legislation would likely not be covered under it. She suggested funding would need to be discussed to successfully implement the bill.

With permission from the Chair, Rep. Smyk asked the Secretary of the Department of Labor, Karryl Hubbard, why more funding or hiring more staff would be necessary.

Hubbard responded that an investigation must be opened up for every discrimination complaint. She explained that the broad language of "political beliefs" would increase the number of complaints, investigations, and staff needed, and that it would be an additional workload to the agency. She stated that she does not want representatives to be surprised if there was a fiscal note needed.

With permission from the Chair, Rep. Cooke asked Ms. Hubbard if these complaint issues could also go through the Department of Human Resources instead of the Department of Labor.

Ms. Hubbard responded that the Department of Labor pursues complaints protected by the First Amendment. She added that law enforcement officers that process these complaints and investigations are funded federally.

At the conclusion of public comment, Rep. Bentz shared that he agrees with Rep. Smith that people should not lose their jobs based on voting histories and that people should be protected in their workplace. He shared that he does have concerns about the language, and he appreciates Rep. Smith's shared commitment to working out the language with the Attorney General is very important to him. He stated he

would release it from committee but would need this commitment if he were to pass it on the House floor.

A motion was made by Rep. Matthews and seconded by Rep. Bentz to release HB 154 from committee, the motion carried. Yes= 8 (Chair Osienski, Rep. Bentz, Rep. Brady, Rep. Cooke, Rep. Bolden, Rep. Lambert, Rep. Smith, and Rep. Smyk); No= 1 (Rep. Moore); Absent= 2 (ViceChair Williams, Rep. Morrison). The bill was released from committee with a F=1, M=7, U=1 vote.

Chair Osienski adjourned the meeting at 3:32 p.m.

Respectfully submitted by,
Chelsea Jones

Speaker List:

1. Karryl Hubbard, Secretary of the Department of Labor