

92ND SESSION

4TH SESSION

H.R. 51



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IN THE UNITED STATES HOUSE OF REPRESENTATIVES

April 1, 2024

Presented by House Majority Leader MR ALEX J. CABOT representing the Great State of South Carolina having introduced this bill which was later referred to the Committee on the Judiciary, Government Affairs and Ethics.

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## AN ACT

To provide federal regulations for the protection of employed individuals in the United States

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.*

### SECTION 1. SHORT TITLE.

This Act may be cited as the

**'Employment Protection and Regulation Act of 2024'** or it may be cited in an abbreviated format of the 'EPRA of 2024'.

### SEC. 2. CONFLICT, SEVERABILITY AND EFFECTIVE DATE.

- (a) In the case of conflict with any existing statute, including the U.S. Code this Act shall reign supreme and repeal any conflicting parts.
- (b) This Act shall also be severable. Meaning in the case that one part of this Act is declared unconstitutional the other constitutional and fit parts shall remain operative.
- (c) This Act shall be enforceable effective immediately once it gains passage in both Houses of Congress and receives the signature of the President of the United States.

**SEC. 3. AT-WILL EMPLOYMENT; REGULATED.**

- (a) At-will employment is defined as the manner of employment which allows for the employer to dismiss an employee without cause, at their discretion and for any reason they see fit.
- (b) All departments and agencies of the United States shall, as a matter of law, establish and maintain written contracts for all employees to sign before assuming official duties.
  - (i) Departments and agencies shall seek legal advice from the Solicitor General or independent Corporate Law Firms as to the validity and structure of these contracts.

**SEC. 4. IMPLIED-IN-LAW; CONTRACTS.**

- (a) REASONING. The Congress of the United States sees fit to imply the following provisions as a matter of law into all employment contracts established by departments and ancillary agencies of the United States.
- (b) GOOD FAITH. Any employer of the United States who acts in bad faith when ending the employment of another and acts without 'just cause' shall have acted in breach of their contractual obligations.
  - (i) Relief for acts of bad faith and breach of contractual obligations by an employer against an employee include reinstatement to their previous employment position and punitive damages amounting to no more than \$50,000.
- (c) RETALIATORY. Any employer of the United States who acts in a retaliatory fashion against an employee when ending their employment shall have acted without 'just cause' and shall have acted in breach of their contractual obligations.
  - (i) Relief for acts of retaliation and breach of contractual obligations by an employer against an employee include reinstatement to their previous employment position and punitive damages amounting to no more than \$75,000.
- (d) BAD FAITH DEMOTIONS. Any employer of the United States who acts in bad or malicious faith when demoting or changing the role of an employee shall have acted without 'just cause' and shall have acted in breach of their contractual obligations.
  - (i) Relief for acts of retaliation and breach of contractual obligations by an employer against an employee include reinstatement to their previous employment position and punitive damages amounting to no more than \$25,000.

## **SEC. 5. CLAIMS AGAINST EMPLOYERS; PRIVATE AND THE UNITED STATES.**

- (a) REASONING. The Congress of the United States deems it necessary to establish certain causes of action against employers of the United States to prevent prejudicial employment practices.
- (b) HOSTILE WORK ENVIRONMENT. Any employer who creates an environment by acting in such a manner or allowing employees to act in such a manner which any reasonable person would find to be intimidating, hostile or offensive to such an extent that it would impede the execution of assigned duties shall have created a hostile work environment.
  - (i) RELIEF. The Court may provide compensatory, actual, declaratory, injunctive or punitive damages not exceeding \$35,000 and any other common law remedies as they see fit.
- (c) RETALIATORY EMPLOYMENT PRACTICES. Any employer who acts in a retaliatory manner against a prospective employee or applicant without a clearly articulable and legitimate interest in the denial of employment shall be liable for retaliatory employment practices.
  - (i) RELIEF. The Court may provide compensatory, actual, declaratory, injunctive or punitive damages not exceeding \$45,000 and any other common law remedies as they see fit.
- (d) UNLAWFUL DISCRIMINATORY PRACTICES. Any employer who discriminates either arbitrarily or on the basis of any protected characteristic in the Civil Rights Act 1964 or any other associated anti-discrimination legislation shall be liable for unlawful discriminatory practices.
  - (i) RELIEF. The Court may provide compensatory, actual, declaratory, injunctive or punitive damages not exceeding \$85,000 and any other common law remedies as they see fit.

## **SEC. 6. DISCIPLINARY AND TERMINATION PROCEDURES.**

- (a) All employers of the United States shall ensure that employees are afforded due process before initiating disciplinary or termination proceedings.
  - (i) This shall include forty-eight (48) hours notice of any notice to appear if disciplinary or termination proceedings are initiated with a reason attached.
  - (ii) Employees shall have the opportunity to appear before the deciding disciplinary panel or body as a matter of *right*.
- (b) Any violation of this section may be pursued through the United States District Court as a cause of action.

- (i) RELIEF. The Court may provide compensatory, actual, declaratory, injunctive or punitive damages not exceeding \$15,000 and any other common law remedies as they see fit.