

REFERENCE TITLE: **employment relationships; remedies**

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1619

Introduced by
Senators Gonzales: Mendez

AN ACT

**AMENDING SECTION 23-1501, ARIZONA REVISED STATUTES; RELATING TO
EMPLOYMENT.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 23-1501, Arizona Revised Statutes, is amended to
3 read:

4 23-1501. Severability of employment relationships; protection
5 from retaliatory discharges

6 ~~A.~~ The public policy of this state is that:

7 1. The employment relationship is contractual in nature.

8 2. The employment relationship is severable at the pleasure of
9 either the employee or the employer unless both the employee and the
10 employer have signed a written contract to the contrary setting forth that
11 the employment relationship shall remain in effect for a specified
12 duration of time or otherwise expressly restricting the right of either
13 party to terminate the employment relationship. Both the employee and the
14 employer must sign this written contract, or this written contract must be
15 set forth in the employment handbook or manual or any similar document
16 distributed to the employee, if that document expresses the intent that it
17 is a contract of employment, or this written contract must be set forth in
18 a writing signed by the party to be charged. Partial performance of
19 employment shall not be deemed sufficient to eliminate the requirements
20 set forth in this paragraph. ~~Nothing in~~ This paragraph ~~shall be construed~~
21 ~~to~~ DOES NOT affect the rights of public employees under the Constitution
22 of Arizona and state and local laws of this state or the rights of
23 employees and employers as defined by a collective bargaining agreement.

24 3. An employee has a claim against an employer for termination of
25 employment ~~only~~ if ~~one or more~~ ANY of the following circumstances have
26 occurred:

27 (a) The employer has terminated the employment relationship of an
28 employee in breach of an employment contract, as set forth in paragraph 2
29 of this subsection, in which case the remedies for the breach are limited
30 to the remedies for a breach of contract.

31 (b) The employer has terminated the employment relationship of an
32 employee in violation of a statute of this state. ~~If the statute provides~~
33 ~~a remedy to an employee for a violation of the statute, the remedies~~
34 ~~provided to an employee for a violation of the statute are the exclusive~~
35 ~~remedies for the violation of the statute or the public policy set forth~~
36 ~~in or arising out of the statute, including the following:~~

37 ~~(i) The civil rights act prescribed in title 41, chapter 9.~~

38 ~~(ii) The occupational safety and health act prescribed in chapter~~
39 ~~2, article 10 of this title.~~

40 ~~(iii) The statutes governing the hours of employment prescribed in~~
41 ~~chapter 2 of this title.~~

42 ~~(iv) The agricultural employment relations act prescribed in~~
43 ~~chapter 8, article 5 of this title.~~

44 ~~(v) The statutes governing disclosure of information by public~~
45 ~~employees prescribed in title 38, chapter 3, article 9.~~

1 ~~All definitions and restrictions contained in the statute also apply to~~
2 ~~any civil action based on a violation of the public policy arising out of~~
3 ~~the statute. If the statute does not provide a remedy to an employee for~~
4 ~~the violation of the statute, the employee shall have the right to bring a~~
5 ~~tort claim for wrongful termination in violation of the public policy set~~
6 ~~forth in the statute.~~

7 (c) The employer has terminated the employment relationship of an
8 employee in retaliation for any of the following:

9 (i) The refusal by the employee to commit an act or omission that
10 would violate the Constitution of Arizona or the statutes of this state.

11 (ii) The disclosure by the employee in a reasonable manner that the
12 employee has information or a reasonable belief that the employer, or an
13 employee of the employer, has violated, is violating or will violate the
14 Constitution of Arizona or the statutes of this state to either the
15 employer or a representative of the employer who the employee reasonably
16 believes is in a managerial or supervisory position and has the authority
17 to investigate the information provided by the employee and to take action
18 to prevent further violations of the Constitution of Arizona or statutes
19 of this state or an employee of a public body or political subdivision of
20 this state or any agency of a public body or political subdivision.

21 (iii) The exercise of rights under the workers' compensation
22 statutes prescribed in chapter 6 of this title.

23 (iv) Service on a jury as protected by section 21-236.

24 (v) The exercise of voting rights as protected by section 16-1012.

25 (vi) The exercise of free choice with respect to nonmembership in a
26 labor organization as protected by section 23-1302.

27 (vii) Service in the national guard or armed forces as protected by
28 sections 26-167 and 26-168.

29 (viii) The exercise of the right to be free from the extortion of
30 fees or gratuities as a condition of employment as protected by section
31 23-202.

32 (ix) The exercise of the right to be free from coercion to purchase
33 goods or supplies from any particular person as a condition of employment
34 as protected by section 23-203.

35 (x) The exercise of a victim's right to leave work as provided in
36 sections 8-420 and 13-4439.

37 ~~B. If the statute provides a remedy to an employee for a violation~~
38 ~~of the statute, the remedies provided to an employee for a violation of~~
39 ~~the statute are the exclusive remedies for the violation of the statute or~~
40 ~~the public policy prescribed in or arising out of the statute.~~