

**[DISCUSSION DRAFT]**

117<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R.** \_\_\_\_\_

To provide for additional protections for employees of financial institutions,  
and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

M. \_\_\_\_\_ introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

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**A BILL**

To provide for additional protections for employees of  
financial institutions, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Financial Services  
5 Worker Bill of Rights”.

1 **SEC. 2. SUPPLEMENTARY FEES ON INSTITUTIONS WITH**  
 2 **LARGE CEO TO MEDIAN WORKER PAY RA-**  
 3 **TIOS.**

4 (a) **IN GENERAL.**—With respect to a banking institu-  
 5 tion with a CEO to median worker pay ratio greater than  
 6 100 to 1, the appropriate Federal banking agency shall—

7 (1) levy an annual supplementary fee on the  
 8 banking institution in an amount described under  
 9 subsection (b); and

10 (2) deposit such fee in the general fund of the  
 11 Department of the Treasury.

12 (b) **SUPPLEMENTARY FEE AMOUNT.**—

13 (1) **IN GENERAL.**—With respect to a banking  
 14 institution, the supplementary fee amount shall be  
 15 an amount equal to—

16 (A) the fee assessed on the banking insti-  
 17 tution to pay for the cost of examining and su-  
 18 pervising such institution, multiplied by

19 (B) the amount specified under paragraph  
 20 (2).

21 (2) **CALCULATION OF RATE.**—For purposes of  
 22 paragraph (1), the amount specified in this para-  
 23 graph shall be determined as follows:

If the CEO to median worker pay ratio is:	The amount is:
More than 100 but not more than 150 .....	0.005
More than 150 but not more than 200 .....	0.01

If the CEO to median worker pay ratio is:	The amount is:
More than 200 but not more than 250 .....	0.015
More than 250 but not more than 300 .....	0.02
More than 300 but not more than 400 .....	0.025
More than 400 .....	0.03

1 (c) DEFINITIONS.—In this section:

2 (1) APPROPRIATE FEDERAL BANKING AGEN-  
3 CY.—The term “appropriate Federal banking agen-  
4 cy”—

5 (A) has the meaning given that term under  
6 section 3 of the Federal Deposit Insurance Act;  
7 and

8 (B) means the National Credit Union Ad-  
9 ministration Board, in the case of a credit  
10 union.

11 (2) BANKING INSTITUTION.—The term “bank-  
12 ing institution” means a credit union, depository in-  
13 stitution, or depository institution holding company.

14 (3) CEO TO MEDIAN WORKER PAY RATIO.—  
15 With respect to a banking institution, the term  
16 “CEO to median worker pay ratio” means the ratio  
17 of—

18 (A) the annual total compensation of the  
19 chief executive officer (or any equivalent posi-  
20 tion) of the banking institution; and

1 (B) the median of the annual total com-  
2 pensation of all employees of the banking insti-  
3 tution, except the chief executive officer (or any  
4 equivalent position) of the banking institution.

5 **SEC. 3. PROHIBITION ON THE USE OF PREDATORY SALES**  
6 **GOAL POLICIES.**

7 (a) IN GENERAL.—A financial institution may not  
8 use predatory sales goal policies.

9 (b) PREDATORY SALES GOAL POLICY DEFINED.—In  
10 this section, the term “predatory sales goals policy” means  
11 any policy that—

12 (1) uses sales goals based on individual per-  
13 formance instead of collective customer service goals;

14 (2) uses sales performance as a factor in dis-  
15 cipline or termination; or

16 (3) uses incentive pay as the majority overall  
17 factor in determining an employee’s compensation.

18 **SEC. 4. PROVIDING EMPLOYEES WITH BASIC DIGNITIES.**

19 Each financial institution shall—

20 (1) provide employees of the financial institu-  
21 tion with at least one paid 10-minute rest period per  
22 4-hour period worked, as close as practicable to the  
23 middle of such period; and

24 (2) with respect to an employee with a docu-  
25 mented medical condition requiring periodic short-

1 duration rest breaks, provide the employee with such  
2 short-duration rest breaks at the employee's regular  
3 rate of pay.

4 **SEC. 5. PROHIBITION ON FORCED ARBITRATION PROVI-**  
5 **SIONS IN EMPLOYMENT AGREEMENTS.**

6 (a) IN GENERAL.—Notwithstanding any other provi-  
7 sion of law, with respect to a financial institution and an  
8 employee of a financial institution—

9 (1) no predispute arbitration agreement shall be  
10 valid or enforceable if it requires arbitration of an  
11 employment dispute;

12 (2) no postdispute arbitration agreement that  
13 requires arbitration of an employment dispute shall  
14 be valid or enforceable unless—

15 (A) the agreement was not required by the  
16 financial institution, obtained by coercion or  
17 threat of adverse action, or made a condition of  
18 employment or any employment-related privi-  
19 lege or benefit;

20 (B) the employee entering into the agree-  
21 ment was informed in writing using sufficiently  
22 plain language likely to be understood by the  
23 average employee of the right of the employee  
24 under paragraph (3) to refuse to enter the  
25 agreement without retaliation;

1 (C) the employee entering into the agree-  
2 ment entered the agreement after a waiting pe-  
3 riod of not fewer than 45 days, beginning on  
4 the date on which the employee was provided  
5 both the final text of the agreement and the  
6 disclosures required under subparagraph (B);  
7 and

8 (D) the employee entering into the agree-  
9 ment affirmatively consented to the agreement  
10 in writing; and

11 (3) the financial institution may not retaliate or  
12 threaten to retaliate against an employee for refus-  
13 ing to enter into an agreement that provides for ar-  
14 bitration of an employment dispute.

15 (b) CIVIL ACTION.—Any person who is injured by  
16 reason of a violation of subsection (a) may bring a civil  
17 action in the appropriate district court of the United  
18 States against the financial institution within 2 years of  
19 the violation, or within 3 years if such violation is willful.  
20 Relief granted in such an action shall include a reasonable  
21 attorney's fee, other reasonable costs associated with  
22 maintaining the action, and any appropriate relief author-  
23 ized by section 706(g) of the Civil Rights Act of 1964 (42  
24 U.S.C. 2000e-5(g)) or by section 1977A(b) of the Revised  
25 Statutes of the United States (42 U.S.C. 1981a(b)).

1 **SEC. 6. PROHIBITING NONDISPARAGEMENT AND NON-**  
2 **DISCLOSURE CLAUSES THAT COVER WORK-**  
3 **PLACE HARASSMENT, INCLUDING SEXUAL**  
4 **HARASSMENT.**

5 (a) UNLAWFUL PRACTICES.—

6 (1) PROHIBITION ON WORKPLACE HARASSMENT  
7 NONDISCLOSURE CLAUSE.—Subject to subsection  
8 (b)(1), it shall be an unlawful practice for a financial  
9 institution to enter into a contract or agreement  
10 with an employee or applicant, as a condition of em-  
11 ployment, promotion, compensation, benefits, or  
12 change in employment status or contractual relation-  
13 ship, or as a term, condition, or privilege of employ-  
14 ment, if that contract or agreement contains a non-  
15 disparagement or nondisclosure clause that covers  
16 workplace harassment, including sexual harassment  
17 or retaliation for reporting, resisting, opposing, or  
18 assisting in the investigation of workplace harass-  
19 ment.

20 (2) PROHIBITION ON ENFORCEMENT.—Not-  
21 withstanding any other provision of law, it shall be  
22 an unlawful practice and otherwise unlawful for a fi-  
23 nancial institution to enforce or attempt to enforce  
24 a nondisparagement clause or nondisclosure clause  
25 described in paragraph (1).

26 (b) SETTLEMENT OR SEPARATION AGREEMENTS.—

1           (1) IN GENERAL.—The provisions of subsection  
2           (a) do not apply to a nondisclosure clause or non-  
3           disparagement clause contained in a settlement  
4           agreement or separation agreement that resolves  
5           legal claims or disputes when—

6                   (A) such legal claims accrued or such dis-  
7                   putes arose before the settlement agreement or  
8                   separation agreement was executed; and

9                   (B) such clauses are mutually agreed upon  
10                  and mutually benefit both the financial institu-  
11                  tion and employee.

12           (2) UNLAWFUL PRACTICE.—It shall be an un-  
13           lawful practice for a financial institution to unilater-  
14           ally include a nondisclosure clause or a nondispar-  
15           agement clause that solely benefits the financial in-  
16           stitution in a separation or settlement agreement.

17           (c) RIGHT TO REPORT RESERVED.—Notwith-  
18           standing signing (before or after the effective date of this  
19           section) any nondisparagement or nondisclosure clause in-  
20           cluding a clause referred to in subsection (a)(1), an em-  
21           ployee or applicant retains any right that person would  
22           otherwise have had to report a concern about workplace  
23           harassment, including sexual harassment or another viola-  
24           tion of the law to a Federal agency (including an office  
25           of the legislative or judicial branch), a State or local fair



1 employment practices agency or any other State or local  
2 agency, or a law enforcement agency, and any right that  
3 person would otherwise have had to bring an action in a  
4 court of the United States.

5 **SEC. 7. AMENDMENTS TO THE WHISTLEBLOWER PROTEC-**  
6 **TIONS FOR EMPLOYEES OF PUBLICLY TRAD-**  
7 **ED COMPANIES.**

8 Section 1514A of title 18, United States Code, is  
9 amended—

10 (1) in subsection (a)—

11 (A) in the matter preceding paragraph (1),  
12 by striking “in the terms and conditions of em-  
13 ployment because of any lawful act done by the  
14 employee” and inserting “with respect to com-  
15 pensation, terms, conditions, or privileges of  
16 employment because of any lawful act done by  
17 the applicant, employee, or former employee or  
18 perceived to have been done by the applicant,  
19 employee, or former employee (or any person  
20 acting pursuant to the request of the applicant,  
21 employee, or former employee), whether at the  
22 initiative of the applicant, employee, or former  
23 employee or in the ordinary course of the duties  
24 of the applicant, employee, or former em-  
25 ployee”;

1 (B) in paragraph (1)(C), by striking “; or”  
2 and inserting a semicolon;

3 (C) in paragraph (2), by striking the pe-  
4 riod at the end and inserting a semicolon; and

5 (D) by adding at the end the following:

6 “(3) in objecting to, or refusing to participate  
7 in, any activity, policy, practice, or assigned task the  
8 applicant, employee, or former employee (or other  
9 such person) reasonably believed to be in violation of  
10 any law, rule, order, standard, or prohibition subject  
11 to the jurisdiction of, or enforceable by, the Securi-  
12 ties and Exchange Commission; or

13 “(4) in providing, preparing to provide, or as-  
14 sisting in the provision of information to the em-  
15 ployer or a person with supervisory authority over  
16 the applicant, employee, or former employee (or such  
17 other person working for the employer who has the  
18 authority to investigate, discover, or terminate mis-  
19 conduct) relating to any violation of, or any act or  
20 omission that the whistleblower believes to be a vio-  
21 lation of, any provision of this title or any other pro-  
22 vision of law that is subject to the jurisdiction of the  
23 Securities and Exchange Commission, or any rule,  
24 order, standard, or prohibition prescribed by the  
25 Commission.”;

1           (2) in subsection (c)(2)(B), by inserting “dou-  
2           ble” before “back pay”;

3           (3) in subsection (c), by adding at the end the  
4           following:

5           “(3) PUNITIVE DAMAGES.—Relief for any ac-  
6           tion under paragraph (1) may include punitive dam-  
7           ages in an amount not to exceed \$250,000.”; and

8           (4) by adding at the end the following:

9           “(e) CONFIDENTIALITY.—Neither the Securities and  
10          Exchange Commission, the Secretary of Labor, nor any  
11          officer or employee of the Commission or the Secretary  
12          may disclose any identifying information about an em-  
13          ployee of a company described in subsection (a) who has  
14          provided information to the Commission or the Sec-  
15          retary—

16                 “(1) unless the Commission or the Secretary  
17                 has obtained the written consent of the whistle-  
18                 blower;

19                 “(2) except in accordance with the provisions of  
20                 section 552a of title 5, United States Code; or

21                 “(3) unless required to be disclosed to a defend-  
22                 ant or respondent in connection with a public pro-  
23                 ceeding instituted by the Commission or the Sec-  
24                 retary.”.

1 **SEC. 8. WORKER PARTICIPATION IN FINANCIAL INSTITU-**  
2 **TION EXAMINATIONS.**

3 The Federal Financial Institutions Examination  
4 Council Act of 1978 (12 U.S.C. 3301) is amended by add-  
5 ing at the end the following:

6 **“SEC. 1012 WORKER PARTICIPATION.**

7 “In establishing uniform principles and standards  
8 and report forms for the examination of financial institu-  
9 tions under section 1006, the Council shall—

10 “(1) establish a system for non-management  
11 employees of financial institutions to provide feed-  
12 back to a Federal financial institutions regulatory  
13 agency conducting an examination as to whether ap-  
14 plicable Federal laws and regulations are being fol-  
15 lowed by the financial institution or whether there  
16 are issues that need to be addressed; and

17 “(2) include a random or systematic survey of  
18 employees of the financial institution being exam-  
19 ined, through a mechanism not subject to scrutiny  
20 by the financial institution.”.

21 **SEC. 9. PROHIBITION ON OBSTRUCTING OR INTERFERING**  
22 **WITH WORKERS’ DECISIONS ON WHETHER OR**  
23 **NOT TO UNIONIZE.**

24 (a) IN GENERAL.— Each financial institution shall—

25 (1) provide reasonable access to bank work-  
26 places to inform workers of their rights;

1 (2) remain neutral about unionization; and

2 (3) recognize unions that demonstrate support  
3 from a majority of a unit of the financial institu-  
4 tion's employees.

5 (b) MANAGEMENT TRAINING.—Each financial insti-  
6 tution shall ensure that training for management of the  
7 financial institution includes training on the requirements  
8 under subsection (a).

9 **SEC. 10. ADDITIONAL DISCLOSURES FOR PUBLIC FINAN-**  
10 **CIAL INSTITUTIONS.**

11 Section 13 of the Securities Exchange Act of 1934  
12 (15 U.S.C. 78m) is amended by adding at the end the  
13 following:

14 “(s) ADDITIONAL DISCLOSURES BY FINANCIAL IN-  
15 STITUTIONS.—Each financial institution (as defined under  
16 section 5312 of title 31, United States Code) required to  
17 file an annual or quarterly report under subsection (a)  
18 shall disclose in that report the following:

19 “(1) The total number of employees of the fi-  
20 nancial institution globally.

21 “(2) The total number of employees of the fi-  
22 nancial institution in the United States.

23 “(3) The number of individuals performing  
24 work for the financial institution who are employed

1 by contractors, both in the United States and glob-  
2 ally.

3 “(4) Any notice that the financial institution  
4 was required to made pursuant to the Worker Ad-  
5 justment and Retraining Notification Act in the pre-  
6 vious year to inform workers of mass layoffs of over  
7 50 workers.

8 “(5) With respect to any lawsuit involving the  
9 financial institution in the previous year related to  
10 violations of the Fair Labor Standards Act of 1938,  
11 the Occupational Safety and Health Act of 1970, the  
12 National Labor Relations Act, the Age Discrimina-  
13 tion in Employment Act of 1967, title VII of the  
14 Civil Rights Act fo 1964, the Americans with Dis-  
15 abilities Act of 1990, the Rehabilitation Act of 1973,  
16 the Genetic Information Nondiscrimination Act of  
17 2008, section 4311(b) of title 38, United States  
18 Code (regarding nondiscrimination against  
19 servicemembers), or a related State statute—

20 “(A) the name of the parties to the law-  
21 suit;

22 “(B) the factual basis of the lawsuit;

23 “(C) the date the suit was filed; and

24 “(D) the amount of possible damages ap-  
25 plicable to the lawsuit.”.

1 **SEC. 11. WORKER TRAINING.**

2 (a) IN GENERAL.—Each financial institution shall—

3 (1) provide employees of the financial institu-  
4 tion with training on compliance with Federal con-  
5 sumer financial law that are relevant to each em-  
6 ployee’s job duties;

7 (2) provide all employees with sufficient paid  
8 time for such training; and

9 (3) ensure that such training does not conflict  
10 with employees’ normal work duties.

11 (b) REPORT.—Each financial institution shall submit  
12 annual report to the appropriate Federal banking agency  
13 (if any) and the Bureau of Consumer Financial Protection  
14 describing the training protocols put in place by the finan-  
15 cial institution to comply with this section.

16 **SEC. 12. DEFINITIONS.**

17 In this Act:

18 (1) CREDIT UNION.—The term “credit union”  
19 means a Federal credit union or a State credit  
20 union, as such terms are defined, respectively, under  
21 section 101 of the Federal Credit Union Act.

22 (2) FEDERAL CONSUMER FINANCIAL LAW.—  
23 The term “Federal consumer financial law” has the  
24 meaning given that term under section 1002 of the  
25 Consumer Financial Protection Act of 2010 (12  
26 U.S.C. 5481).

1           (3) FINANCIAL INSTITUTION.—The term “fi-  
2           nancial institution” has the meaning given that term  
3           under section 5312 of title 31, United States Code.

4           (4) OTHER BANKING TERMS.—The terms “ap-  
5           propriate Federal banking agency”, “depository in-  
6           stitution”, “depository institution holding company”,  
7           “Federal banking agency” have the meaning given  
8           those terms, respectively, under section 3 of the  
9           Federal Deposit Insurance Act.