

PRO-ACTIVE PROPOSAL**NEW JERSEY
HIRING DISCRIMINATION****LEGISLATIVE ACTION**

September 26, 1989

STATE/LOCALITY:

New Jersey

ISSUE:

Discrimination

SUMMARY:

Legislation would prevent New Jersey employers from hiring or firing individuals because of smoking/nonsmoking preferences

INDUSTRY ACTION

September 26, 1989

In order to enact this type of legislation it is important that the measure be structured to make it an unfair labor practice to not employ or to terminate employment for personal preferences of employee that bear no reasonable relationship to performance of duties.

RESOURCES NEEDED**YES/NO****DATE NEEDED****ECONOMIC ANALYSIS/FACTSHEET?**

NO

LEGAL MEMORANDUM?

YES

1st Qtr 1990

A memorandum should focus on the constitutional issues of discrimination against an employee or applicant because of personal preferences.

Not only would this memorandum be used in lobbying the legislature, but a variation will be developed to solicit labor's support of this issue.

EXPERT WITNESSES?**POSSIBLE**

The feasibility of undertaking seminars (Fox) on this subject has merit. In order for this to be accomplished, we must solicit third-party support. The most likely organization to spearhead these seminars would be the Communication Workers of America (CWA). This strategy needs direction from TI labor consultants.

COALITION ALLIES?**YES****To Be Determined**

The targeted groups who could be supportive of this type of measure are organized labor and the ACLU. Upon support of labor through the CWA, the state association and local affiliates will pass resolutions supportive of this measure which, in turn, will be submitted to the legislature. Legislators who are sympathetic to labor's concern will be identified as prime sponsors for the proposal.

TI GRASSROOTS MOBILIZATION?**NO**

No TAN grassroots mobilization will be undertaken on the discrimination issue because it is important that the legislature and its key staff view this as a labor, not tobacco, issue.

COMPANY RESOURCES?**YES****To Be Determined**

The legislative strategy for this measure should primarily focus on direct one-on-one lobbying. It is important that the industry distance itself and let the above mentioned coalitions appear to take the lead on this issue. The industry role is to supply background information, quietly lobby friendly legislators and maintain direction and control over the project.

PUBLIC AFFAIRS/MEDIA RESOURCES?**NO****ADDITIONAL NEEDS?****NO****50761 6077**

PRO-ACTIVE PROPOSAL**NEW JERSEY
SMOKING RESTRICTION
PREEMPTION**

LEGISLATIVE ACTION September 26, 1989
STATE/LOCALITY: New Jersey
ISSUE: Smoking
SUMMARY: Legislation would preempt local smoking restrictions

INDUSTRY ACTION September 26, 1989

In 1985, the New Jersey Legislature enacted five measures dealing with public smoking. The measures encompassed workplace, restaurants, public places, government buildings and buses/public conveyances. Final measures were watered-down and limited in scope. As a result, the 1990 legislative session may focus on strengthening these measures or, more realistically, the "antis" may focus on having municipalities enact stronger smoking statutes. In order for the industry to address this potential threat, legislation should be drafted that would preempt municipalities from enacting their own smoking laws.

The industry should not introduce this legislation until it is certain that this measure can be controlled and cannot be amended by the "antis" to strengthen the present state laws. Therefore, leadership will be advised of our intentions and their support will be solicited. We will secure from the leadership of each house appropriate legislators to introduce and push for final passage.

RESOURCES NEEDED	YES/NO	DATE NEEDED
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ECONOMIC ANALYSIS/FACTSHEET?	NO	
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LEGAL MEMORANDUM?	YES	
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The focus of the memorandum should highlight the state's precedence for legislation which preempts local ordinances. The State currently preempts local communities from adopting their own laws dealing with hospitals and sewer and septic tank installations. This memorandum will be shared with our coalition group in explaining the issue and providing them with talking points to legislators.

EXPERT WITNESSES?	NO	
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COALITION ALLIES?	YES	4th Qtr 1989
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There is a range of associations and organizations within New Jersey who can be supportive of this type of legislation. They include the New Jersey Restaurant Association, the New Jersey Licensed Beverage Association, the New Jersey Chamber of Commerce, New Jersey SEED, the New Jersey Business and Industry Association, CWA, Tobacco Distributors Association of New Jersey, New Jersey Hotel and Motel Association and the National Federation of Independent Business.

This coalition will be separated into two groups, business/industry and labor. Upon receiving support from leadership, a meeting will be scheduled with the two coalition groups to inform them of this strategy and solicit their support. This support will consist of memoranda from their respective organizations and a comprehensive direct lobbying strategy to convince the legislature of the need for this type of legislation. Subsequent meetings will be scheduled on a timely basis to update the groups on the bill's progress and to motivate them to work for passage of the measure.

TI GRASSROOTS MOBILIZATION?

YES

To Be Determined

TAN will be activated prior to committee consideration. TAN members will be asked to send letters and call legislators requesting passage of this measure. The emphasis of the message is that current state laws are working and there is no need for local communities to enact their own laws causing a vast array of local legislation. Other arguments that will be used are enforcement problems and confusion by multi-office companies (i.e., bank branch offices, insurance companies).

COMPANY RESOURCES?

YES

To Be Determined

Their mailing lists should be activated in conjunction with the TAN mobilization. Member companies will be asked to target their mailings to specific legislative districts of friendly legislators to show there is constituent support for the proposed measure. Also, TI lobbyists will work with company lobbyists in implementing legislative strategy and working with the coalition group. Moreover, member company sales force will be asked to contact their respective accounts urging them to contact their local legislators.

PUBLIC AFFAIRS/MEDIA RESOURCES?

NO

ADDITIONAL NEEDS?

NO

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