

**PRO-ACTIVE PROPOSAL  
HIRING DISCRIMINATION**

**NEW JERSEY**

**LEGISLATIVE ACTION:** September 30, 1990

**STATE/LOCAL:** New Jersey

**BILL NUMBER:** A.3038/S.2232

**ISSUE:** Discrimination

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

**SPONSOR:** Brown/McManimon

**INTRO DATE:** 2/20/90 (A.3038)  
1/10/90 (S.2232)

**COMMITTEE:** Labor

**LEGISLATIVE STATUS:** **A.3038**  
2/20/90 Filed for introduction  
2/26/90 Introduced and referred to Assembly Labor Committee

**S.2232**  
1/10/90 Legislation was prefiled; has not been formally introduced or number yet  
1/22/90 Introduced and referred to Senate Labor, Industry & Professions Committee  
3/12/90 Senate Labor Committee reported to Senate floor  
6/28/90 Senate passed S.2232 by vote of 29 - 1, sending it to Assembly Labor Committee  
10/2/90 Reported out of Assembly Labor Committee by vote of 3 - 1, goes to Assembly floor

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**INDUSTRY ACTION:**

In order to enact this legislation, the legislation has been drafted to make it an unfair labor practice to prohibit or terminate employment for personal preferences which bear no reasonable relationship to performance of duties. The bill could be addressed by the Assembly during the fall session.

**RESOURCES NEEDED** YES/NO DATE NEEDED

**ECONOMIC ANALYSIS/FACTSHEETS?** NO

**LEGAL MEMORANDUM?** POSSIBLE

Legal memorandum should address Federal and state constitutional issues regarding employment discrimination. The memorandum may be utilized to solicit labor support, if necessary.

**EXPERT WITNESSES?** POSSIBLE

The feasibility of undertaking seminars 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. Depending upon the outcome of the measure currently before the Legislature, appropriate strategies will be developed to solicit third party support.

**TI GRASSROOTS MOBILIZATION?** YES October 1990

TAN grassroots mobilization will be undertaken on the discrimination issue because it is important that the legislature receive constituent contact on the 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.

Smokers' Rights Groups will be requested to assist in contacting legislators.

**PUBLIC AFFAIRS/MEDIA RESOURCES?** YES To Be Determined

Media Relations to be notified of the bill status to:

- 1) be prepared to address any media inquiries, and
- 2) counsel and advise as to whether it would assist the lobbying strategy to place any news articles on the subject of discrimination should be considered.

Public Affairs will be requested to assist with obtaining labor support, contacts or coordinating scheduling of any seminars to support the lobbying efforts.

**ADDITIONAL NEEDS?**

**NO**