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bcc: W. I. Campbell
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PHILIP MORRIS

COMPANIES INC.
120 PARK AVENUE, NEW YORK, N.Y. 10017

MICHAEL A. MILES
CHAIRMAN
AND
CHIEF EXECUTIVE OFFICER

July 14, 1992

cc: TL
Sport.
LP
OT/ny file

The Honorable Mario M. Cuomo
Executive Chamber
State Capitol
Albany, New York 12224

Dear Governor Cuomo:

On behalf of the Philip Morris Companies, I urge you to give favorable consideration to A.9399A/S.6935C which would prevent employers from discriminating against employees on the basis of a number of specified off-the-job activities, including the use of legal consumable products.

As one of New York State's largest employers, we are concerned that the needs of the business community be taken into account and believe that the legislation balances business' legitimate needs with an employee's right to privacy. For example, the bill contains language which exempts employee activities that materially threaten an employer's trade secrets or are contrary to an employer's business interests. In addition, it states specifically which employee activities are protected. Finally, there are additional distinctions afforded public employers with particular ethics policies.

The current bill has generally met with a favorable reception in the business community. I understand that the New York State Business Council and the New York Chamber of Commerce, which opposed previous employee privacy bills, have withdrawn their objections to A.9399A/S.6935C.


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At Philip Morris we feel that, although the bill provides important protection to employees, it will not detract from the legitimate right of employers to set policy in the workplace. Nor do we expect, as some have suggested, that enactment of the bill will increase the number of lawsuits filed by employees against employers. In the 26 states that have passed some form of privacy legislation, not one court opinion has been recorded relating to privacy protection. Instead, we have observed that a number of suits have arisen in states *without* employee privacy legislation.

Since you have expressed broad philosophical agreement with the purpose of the legislation, we hope you will join the legislature in providing this important protection for employees in New York State. Thank you.

Sincerely,



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