

PRO-ACTIVE PROPOSAL

**CONNECTICUT
HIRING DISCRIMINATION**

LEGISLATIVE ACTION

September 26, 1989

STATE/LOCALITY:

Connecticut

ISSUE:

Prohibit private employers from discriminating against smokers in hiring practices.

SUMMARY:

Legislation would attempt to prohibit employers from using non-job-related personal behaviors as a criteria for employment or promotions.

SPONSOR:

Connecticut Federation AFL-CIO (legislative sponsors to be determined later - Rep. Adamo possible).

INTRO DATE:

Prefile

COMMITTEE:

Joint Committee on Labor and Public Employees

INDUSTRY ACTION

September 26, 1989

The purpose of the legislation is to restrict the ability of a private employer to discriminate against smokers. The primary proponent of the legislation will be the Connecticut State Federation AFL-CIO. Preliminary action will include the adoption of a resolution opposing employer discrimination by the convention delegates in September 1989.

This legislation would be postured as a labor and not a tobacco issue. Other non-job-related activities would also be protected by the legislation. The industry would play a supportive role in the development and passage of this legislation.

RESOURCES NEEDED

YES/NO

DATE NEEDED

ECONOMIC ANALYSIS/FACTSHEET?

YES

12/31/89

While it may be difficult to develop, it would be helpful to have an economic analysis of the impact of limiting job access in a tight job market. If an entire class of employee is eliminated by a business, what is the impact on the employers' ability to fill openings? There, also, is a need to develop responses to the argument that smokers cost employers money. Finally, assess the economic impact of decreased employee morale as a result of employer intrusiveness into their private lives.

LEGAL MEMORANDUM?

YES

12/31/89

Legal memoranda supporting broad anti-discrimination statute to specifically include smokers. These should be developed from a labor perspective, and also be sensitive to the interests of the ACLU and minority interests. These will be used to help develop support among these groups in this effort.

EXPERT WITNESSES?

YES

1st & 2nd Qtrs 1990

The development of either local or nationally recognized experts in the area of civil liberties to support the labor effort or assist in the development of the local ACLU as an ally in this effort. This individual could be called upon to meet with unions, the ACLU, minority groups or members of the legislature. In addition, one or two "Op-ed" articles may be required. If there is a plausible economic argument to be made, then a local "liberal" economist for presentations to allied groups and members of the legislature would be helpful. Utilize John Fox, Esq. to discuss the personnel impact of such activities either by private or public employers.

COALITION ALLIES?

YES

1st & 2nd Qtrs 1990

The development of the State Federation AFL-CIO and other labor allies. With the help of contacts at Covington & Burling, develop the support of the ACLU and their activists. Business support may be possible, but will not be counted on for the purpose of this plan.

TI GRASSROOTS MOBILIZATION?

YES

1st & 2nd Qtrs 1990

Smokers will be mobilized through the computer-based program of the cigarette manufacturers. Additional grassroots activities will be developed through our identified allies. These groups will be responsible for motivating their members in a timely fashion.

COMPANY RESOURCES?

YES

1st & 2nd Qtrs 1990

Access to company legislative counsel for periodic meetings with TI counsel to coordinate the industry's support for the efforts of organized labor and other groups. This lobbying support will be developed in a way that does not identify the industry as the primary sponsor of this legislation.

PUBLIC AFFAIRS/MEDIA RESOURCES?

YES

1st & 2nd Qtrs 1990

It may be necessary to provide local labor leaders with an opportunity to consult with either local public/media relations counsel or TI's "in-house" experts regarding the need and substance for a local print, radio or TV campaign. If this legislation develops to the point where industry involvement would appear natural, and our absence suspicious, the it may be reasonable to utilize the talents of our spokespersons in the state on this issue.

ADDITIONAL NEEDS?

To Be Determined

PRO-ACTIVE PROPOSAL

**CONNECTICUT
INDOOR AIR QUALITY**

LEGISLATIVE ACTION

September 26, 1989

STATE/LOCALITY:

Connecticut

BILL NUMBER:

Not assigned

ISSUE:

IAQ (Workplace - ASHRAE Standards)

SUMMARY:

Establish state-wide IAQ standards (including ETS) for workplaces. Potential for mitigating effects of existing smoking restriction law, and pre-empting anticipated local action on this issue.

SPONSOR:

Connecticut State Federation AFL-CIO, Supported directly by the SEIU (potential sponsors include Reps. Adamo and Schiessl)

INTRO DATE:

Prefile

COMMITTEE:

Joint Committee on Labor and Public Employees

HEARING DATE:

To Be Announced

LEGISLATIVE STATUS:

None

INDUSTRY ACTION

September 26, 1989

The purpose of the legislation is to reduce or eliminate the effects of the existing state-wide workplace smoking restriction law. Other potential benefits might include pre-empting localities from enacting more restrictive ordinances in the future. As with most types of positive legislation introduced in the Northeast, identification of the tobacco industry as the primary sponsor would be of no value to the effort. The plan is to develop the legislation as a result of an AFL-CIO resolution. As in previous IAQ legislative activities, our role would be supportive, but not overt. The preliminary requirement of the effort is the adoption of appropriate resolutions by the AFL-CIO during the up-coming legislative convention. This is being arranged through the offices of local labor counsel.

RESOURCES NEEDED

YES/NO

DATE NEEDED

ECONOMIC ANALYSIS/FACTSHEET?

YES

12/1/89

The industry and its allies need to be able to respond to the various cost-related opposition arguments. Hence, a comprehensive analysis of the economic impact of the effects of the proper maintenance of indoor air quality standards must be developed. This analysis should include the cost of proper maintenance and the effects on both worker productivity and health care costs. To provide for maximum opportunity for utilization of this analysis, it should be developed in two forms: (1) for presentation by labor interests; and, (2) for presentation to business interests by the industry and for subsequent presentation by those identified business interests to legislators.

LEGAL MEMORANDUM?

YES

12/1/89

Two separate legal analyses are needed to address the different concerns of business and labor. To mitigate anticipated business sector opposition to the proposal, the business memorandum should address (and allay) the potential fear that any positive action taken by business is a suggestion of past errors, thus exposing them to possible employee legal action. The labor memorandum should provide a clear legal analysis of the impact of the proposal on the employee/employer relationship. These analyses should be prepared for ultimate use by business and labor and not by the industry.

EXPERT WITNESSES?

YES

1st Qtr 1990

NEMI, ACVA, and other scientific witnesses for individual and committee presentations will be needed. Ideally, these witnesses will be sponsored by other organizations when they make their presentations. NEMI will present the labor perspective. Other witnesses could be brought in by business interests, including local chambers of commerce. However, if necessary, these other witnesses could be sponsored by the industry and conduct "background briefings" with friendly or moderate legislators.

COALITION ALLIES?

YES

4th Qtr 1989,
1st & 2nd Qtrs 1990

If successfully developed, the entire effort will be sponsored by the AFL-CIO. The support of other unions including the SEIU, Sheetmetal Workers and BC&T will be developed. The support of the business community would be ideal, but difficult to develop. At the very least, there is a need to neutralize the largest organizations representing the business community. Help from the resident tobacco industry could be helpful but of limited impact because of its size and political experience.

TI GRASSROOTS MOBILIZATION?

YES

1st & 2nd Qtrs 1990

It is likely that we will use our resources to mobilize the members of other organizations, including union members and individual local chambers of commerce. Support from the member companies' computer-based grassroots program may be of help, but only if the requests for support come from non-tobacco sources. Overt tobacco contact with this legislation may not be supportive of the ultimate goal.

COMPANY RESOURCES?

YES

1st & 2nd Qtrs 1990

Access to member company lobbyists to meet periodically with the TI lobbyist to coordinate the industry's support for the efforts of labor and other allied groups. The industry's lobbying support will be conducted in a very targeted format to reduce the potential for industry exposure on this issue.

PUBLIC AFFAIRS/MEDIA RESOURCES?

YES

1st & 2nd Qtrs 1990

It may be necessary to provide local union officials with local public and media relations materials in order to encourage their development of a plan regarding media support for their legislative effort. This may include the retention of local public relations counsel, but will initially be limited to the expertise of "in-house" resources.

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ADDITIONAL NEEDS?

YES

**4th Qtr 1989,
1st & 2nd Qtrs 1990**

Labor/management committee presentations on IAQ to selected unions, legislators and media representatives.

PRO-ACTIVE PROPOSAL

**CONNECTICUT
SAMPLING PREEMPTION**

LEGISLATIVE ACTION September 26, 1989

STATE/LOCALITY: Connecticut

ISSUE: Tobacco sampling restrictions

SUMMARY: Creates a statewide uniform sampling regulation which preempts local ordinances and forbids a complete ban.

SPONSOR: To be identified

INTRO DATE: Prefile

COMMITTEE: To be assigned

INDUSTRY ACTION September 26, 1989

The primary purpose of the bill is to cut off the possibility of legislating a total ban on sampling, either locally or at the state level. The bill codifies current cigarette industry sampling practices and prohibits local municipal bans; it includes language to preempt any enacted local bans (none at this time).

This legislation is defensive in nature. The chances of enactment are slim. But, the effect of putting anti-tobacco forces into an unaccustomed defensive posture is to dissipate their capacity to attack us.

RESOURCES NEEDED	YES/NO	DATE NEEDED
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ECONOMIC ANALYSIS/FACTSHEET?	YES	12/1/89
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Factsheet regarding present sampling practices of the member companies of The Tobacco Institute and the Smokeless Tobacco Council for circulation among legislators. This request is actually for two separate documents: one to illustrate the impact (or non-impact) of sampling activities on the state; the second to describe the methods used by the companies in conducting sampling activities. Included in this second document should be a copy of a sample contract between the manufacturer and the sampling company, and a discussion of its important sections.

LEGAL MEMORANDUM?	YES	12/31/89
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In the past we have developed legal memoranda for Massachusetts. This concept needs to be expanded for Connecticut. Included in this memorandum should be a discussion of the preemption issue and a positive review of the proposed legislation, including its being able to meet the preemption requirements of the federal law.

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EXPERT WITNESSES?

YES

1st Qtr 1990

When a committee hearing is scheduled, we will need representatives of companies engaged in sampling to appear as witnesses. Some of these individuals (Steve Bellissimo, Phoenix Marketing) have been used with great effect in the past. We should be sure we understand the sampling methods used by the smokeless tobacco people where their methods are different from those of the cigarette manufacturers.

COALITION ALLIES?

YES

1st Qtr 1990

It is likely that there are few, if any, allies available on this issue. However, it may be possible to solicit the help of the state's wholesalers, retailers and chamber of commerce. It is likely that the support will come in the form of direct lobbying assistance and not grassroots activities by their members.

TI GRASSROOTS MOBILIZATION?

YES

1st & 2nd Qtrs 1990

It may be helpful to develop some positive contacts by employees of the manufacturers emphasizing industry's responsibility. However, the success of this effort will depend entirely on the direct lobbying activities of the industry and its selected allies.

COMPANY RESOURCES?

YES

1st & 2nd Qtrs 1990

Access to the Philip Morris, R.J.R./Nabisco. U.S. Tobacco and wholesaler legislative counsel for periodic meetings to coordinate State House activities.

PUBLIC AFFAIRS/MEDIA RESOURCES?

YES

2nd Qtr 1990

It is possible that some members of the legislature and the Department of Public Health might be interested in the "Helping Youth Decide" program. This may present an opportunity to develop their support for the sampling legislation. This effort may include providing consultation for local print media campaigns to support this program.

ADDITIONAL NEEDS?

To Be Determined