

**PRO-ACTIVE PROPOSAL
HIRING DISCRIMINATION**

VERMONT

LEGISLATIVE ACTION: September 27, 1990

STATE/LOCALITY: Vermont

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: To be determined

INTRO DATE: Prefile

COMMITTEE: To be assigned

INDUSTRY ACTION

In Vermont an anti-discrimination bill will be used to divert anti-tobacco activists. It does not have much chance of passage in 1991 but will dilute the energies of our opposition, which will once again be mounting an effort to severely restrict vending and sales. This bill will be a labor introduction, if possible. As with other pro-active efforts, the industry's posture will be low key. The industry should be perceived as concentrating on its defensive battles.

It is possible that an anti-discrimination clause can be introduced as part of legislation to reduce from 2/3 to a simple majority required to change a workplace smoking policy. This strategy could increase the chances of achieving one or the other.

RESOURCES NEEDED	YES/NO	DATE NEEDED
ECONOMIC ANALYSIS/FACTSHEET?	YES	10/17/90

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 difficult economy. If an entire class of employee is eliminated by a business, what is the impact on the employers' ability to fill openings? Also, there 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 in their private lives. There is also a need to develop an analysis of the potential economic impact of this type of discrimination on minorities or low income workers.

TIOR 0019778

LEGAL MEMORANDUM? YES 10/17/90

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 for this effort.

EXPERT WITNESSES? YES 4th Qtr. 1990
1st & 2nd Qtrs 1991

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. Utilization of John Fox, Esq. to discuss the personnel impact of such activities either by private or public employers.

COALITION ALLIES? YES 3rd & 4th Qtrs 1990
1st & 2nd Qtrs 1991

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 if we opt for an overall workplace bill approach, but cannot be counted on for the purpose of this plan.

TI GRASSROOTS MOBILIZATION? NO

COMPANY RESOURCES? YES 1st & 2nd Qtrs 1991

Access to company legislative counsel for periodic meetings with TI counsel to coordinate the industry's quiet 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 4th Qtr 1990
1st & 2nd Qtrs 1991

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, then it may be reasonable to utilize the talents of our spokespersons in the state on this issue.

ADDITIONAL NEEDS? To Be Determined

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