

My name is Brian Anderson. I am a legislative and political representative for Council 4 AFSCME, a union of 35,000 Connecticut public and private employee members.

Council 4 supports Raised Bill 7326, AAC Captive Audience Meetings. The recent labor law violations at Yale New Haven Hospital point out the need for such a law. This bill would simply allow workers to opt out from attending a meeting where an employer intends to discuss religion, politics or labor organizing. Similar to the belief that it is not an employer's right to coerce an employee into choosing what religion the employee will adhere to, it is not an employer's right to coerce an employee into choosing whether to unionize or not

The Universal Declaration of Human Rights (Article 23, section 4) states that "Everyone has the right to form and to join trade unions for the protection of his interests." Our country not only signed this declaration, but was a prime drafter of it. Captive audience meetings surely violate this declaration of the basic rights that every human being is entitled to.

The Connecticut Business and Industry Association (CBIA) and oppressive employers, such as Yale New Haven Hospital, have killed this bill before, arguing that it is pre-empted by federal law. Yet, Fred Feinstein, the former General Counsel of the National Labor Relations Board, argues that federal law would not pre-empt this bill.

Thank you for your consideration. I would be happy to answer any questions.



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Antony Dugdale
Research Analyst, HERE Local 34
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Dear Mr. Dugdale,

Recently you wrote requesting my opinion regarding proposed language for a bill to be introduced in the Connecticut legislature that would "limit an employer's ability to force an employee to listen to political or religious tirades". Specifically you asked if the preemption doctrine in federal labor law would limit Connecticut's ability to establish the minimum labor standard described in the proposed legislation.

During my nearly six year tenure as General Counsel of the National Labor Relations Board I often had occasion to consider whether state actions were preempted by the National Labor Relations Act. In my opinion a strong case can be made that the proposed legislation is not preempted by the NLRA, and that a court called upon to rule on this question would reach a similar conclusion.

The doctrine of federal preemption does not "touch[] upon interests so deeply rooted in local feeling and responsibility that, in the absence of compelling Congressional direction, it could not be inferred that Congress intended to deprive the state of the power to act". San Diego Building Trades v. Garmon, 359 U.S. 236, 239 (1959). The proposed legislation extends certain privacy protections to the workplace and state laws establishing workplace privacy rights have withstood preemption challenges in the past.

In my view, if the Connecticut legislature believes the proposed legislation has merit, concerns about federal preemption should not deter the legislature from acting.

Sincerely,


Fred Feinstein
Senior Fellow, Visiting Professor