



CONNECTICUT

**TESTIMONY OF
NATIONAL FEDERATION OF INDEPENDENT BUSINESS (NFIB)
BY
ANDY MARKOWSKI, CONNECTICUT STATE DIRECTOR
OPPOSING
HB-5460, AAC CAPTIVE AUDIENCE MEETINGS
BEFORE THE
LABOR & PUBLIC EMPLOYEES COMMITTEE
FEBRUARY 10, 2011**

A non-profit, non-partisan organization founded in 1943, NFIB is Connecticut's and the nation's leading small-business association. In Connecticut, NFIB represents thousands of members and their employees and membership is scattered across the state and ranges from sophisticated high technology enterprises to single-person "Mom & Pop" shops that operate in traditional ways. NFIB's mission is "To promote and protect the right of its members to own, operate, and grow their businesses." On behalf of those small- and independent- job-providers in Connecticut, I offer the following comments:

NFIB/Connecticut strongly *opposes* this bill, which would ban mandatory employer-sponsored meetings when those meetings are held for the purpose of communicating the employers' opinions on religious or political matters, including labor-organizing activities. Passage of this legislation would not only harm existing small business in Connecticut, but also discourage entrepreneurship and relocation of new businesses to the state.

NFIB believes that this measure: (1) is federally preempted by the National Labor Relations Act as an interference with employer speech and the balance struck between employees and employers under such; (2) could promote new and costly civil litigation; and (3) would prevent employers from communicating the importance of participating in the political process, especially with regard to issues affecting business.

The proposed legislation would adversely impact small business owners and their workers who may discuss politics, religion or other issues with customers or vendors in a small business environment as violating workers' rights. Businesses would also be prohibited from discussing legislation that may affect the business and / or the jobs it provides for employees with those employees. Passage of this legislation at anytime, let alone in this critical economic climate, would be throwing up just one more roadblock that makes it difficult for Connecticut's small businesses to succeed.

Additionally, NFIB believes that many of the provisions contained in HB-5460 are ambiguous, overly broad, and subject to varying interpretations. For example: Who determines the "primary purpose" of the communication? (lines 22-23); What exactly is a "casual conversation"? (line 67); etc. Actual compliance with a law such as HB-5460 would be virtually impossible for many small and closely-held businesses, thus exposing the business to potentially costly complaints and frivolous litigation.

Thank you for the opportunity to comment, and NFIB/Connecticut urges rejection of the bill.