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TESTIMONY OF THE

GREATER DANBURY CHAMBER OF COMMERCE
MILFORD CHAMBER OF COMMERCE
NORTHWEST CONNECTICUT CHAMBER OF COMMERCE
CONNECTICUT COALITION OF PROPERTY OWNERS
ALLIANCE OF CONNECTICUT YMCAS
LUMBER DEALERS' ASSOCIATION OF CONNECTICUT
CONNECTICUT MESSENGER COURIER ASSOCIATION

BEFORE THE LABOR & PUBLIC EMPLOYEES COMMITTEE
3:00 PM, TUESDAY, FEBRUARY 1, 2011
ROOM 2E, LEGISLATIVE OFFICE BUILDING
HARTFORD, CONNECTICUT

Good afternoon, my name is Marshall Collins. I am appearing today in my capacity as Counsel for Government Relations for the above referenced organizations (hereinafter the "Organizations"). Collectively they represent approximately 3,500 employers in Connecticut. They include both for profit and not-for-profit employers.

I am here today to state their **opposition to HB 5460 AAC Captive Audience Meetings** and **SB 798 AA Requiring Double Damages Be Awarded In Civil Actions To Collect Wages.**

HB 5460 AAC Captive Audience Meetings is not a concept new to the General Assembly. For good reasons it has failed to pass numerous times and it is certainly not an idea whose time has come. To the contrary, it would send a message contrary to what was heard in the recent elections here in Connecticut. Candidates from both parties spoke about the need to create jobs and that Connecticut is open for business. How would this create one job and how would it encourage one company to either move to or stay in Connecticut?

HB 5460 is so poorly drafted that it invites litigation, particularly against smaller employers without the benefit of full time legal counsel. Section 1(b) prohibits an employer from requiring employees to attend:

*"...an employer-sponsored meeting ...the primary purpose of which is to communicate the employer's opinion concerning ...**political matters....**" (Emphasis added).*

Political matters is more than broadly defined in Section 1(a) (6):

“Political matters includes political party affiliation or the decision to join or not join any lawful political, social or community group or activity or any labor organization.”

Employers that required employees to attend any such meeting would be subject to civil action and among other penalties treble damages, attorneys’ fees and costs.

If Electric Boat had held a meeting for its employees to discuss the need for them to contact their Congressman and to tell them the importance of not closing the Sub Base in Groton, they would have violated the law.

If a non-profit that is dependent upon funding from the United Way asked its employees to listen to the United Way’s planned giving appeal, they would have violated the law.

Then if an employee that refused to attend either of these meetings didn’t receive the raise that they expected, they could allege retaliation for not attending. The employer would incur thousands of dollars of legal expenses to defend itself.

These situations are not “business friendly.” They do not encourage companies to grow or come here.

If the objective is to prevent employers from talking to their employees about union organizing campaigns, the bill also runs afoul of the National Labor Relations Act.

HB 5460 should not be favorably reported.

SB 798 AA Requiring Double Damages Be Awarded In Civil Actions to Collect Wages also is unnecessarily punitive and should be rejected.

Current law already permits courts to award such double damages. However, such awards are permissive rather than mandatory. SB 798 changes the language from “may” recover...to “shall” recover...”twice the full amount of such wages with costs and such reasonable attorney’s fees” There is no justification for removing the court’s discretion. Passage of SB 798 would be a further step in declaring that Connecticut is not a desirable place to do business.

SB 798 should be rejected.

This completes my testimony. Thank you for your consideration.