

# Judiciary Committee JOINT FAVORABLE REPORT

**Bill No.:** SB-163

AN ACT PROTECTING EMPLOYEE FREEDOM OF SPEECH AND

**Title:** CONSCIENCE.

**Vote Date:** 3/29/2022

**Vote Action:** Joint Favorable Substitute

**PH Date:** 3/4/2022

**File No.:**

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## **SPONSORS OF BILL:**

Raised by Judiciary Committee

Sen. Bob Duff, 25th Dist.

Sen. Gary A. Winfield, 10th Dist.

Rep. Gary A. Turco, 27th Dist.

Sen. Martin M. Looney, 11th Dist.

Rep. Kevin Ryan, 139th Dist.

Rep. Christine Palm, 36th Dist.

Rep. Kate Farrar, 20th Dist.

Rep. Jason Doucette, 13th Dist.

Rep. Christine Conley, 40th Dist.

Sen. Saud Anwar, 3rd Dist.

Sen. Julie Kushner, 24th Dist.

Sen. Marilyn V. Moore, 22nd Dist.

Rep. Travis Simms, 140th Dist.

Rep. Josh Elliott, 88th Dist.

Rep. Anne M. Hughes, 135th Dist.

Rep. Kenneth M Gucker, 138th Dist.

Rep. Michael A. Winkler, 56th Dist.

Rep. David Michel, 146th Dist.

Rep. Roland J. Lemar, 96th Dist.

Rep. Anthony L. Nolan, 39th Dist.

Rep. Joshua M. Hall, 7th Dist.

Sen. Will Haskell, 26th Dist.

Rep. Hilda E. Santiago, 84th Dist.

Rep. Juan R. Candelaria, 95th Dist.

Rep. Corey P. Paris, 145th Dist.

Rep. Robyn A. Porter, 94th Dist.

Rep. Peter A. Tercyak, 26th Dist.  
Rep. Matt Blumenthal, 147th Dist.  
Sen. Derek Slap, 5th Dist.  
Rep. Brandon Chafee, 33rd Dist.  
Rep. Geoff Luxenberg, 12th Dist.  
Rep. Gregory Haddad, 54th Dist.  
Rep. Bob Godfrey, 110th Dist.  
Rep. Michael D'Agostino, 91st Dist.  
Sen. Matthew L. Lesser, 9th Dist.  
Rep. Hubert D. Delany, 144th Dist.  
Rep. Frank Smith, 118th Dist.  
Rep. Henry J. Genga, 10th Dist.  
Rep. Bobby G. Gibson, 15th Dist.

#### **REASONS FOR BILL:**

If passed, SB163 would prohibit an employer from coercing any employee into attending or participating in a meeting sponsored by the employer concerning the employer's views on political or religious matters. Specifically, SB163 provides a cause of action for employees to recover damages when an employer violates their freedom of conscience protected by the First Amendment. This is primarily a response to consistent and widespread complaints by Connecticut residents about employers enlisting the services of third-party consultants to launch coercion campaigns against employees considering joining unions.

#### **SUBSTITUTE LANGUAGE:**

Revises definition of "political matters", to include all "proposals" instead of only "proposals to change".

Revises damages language by changing the phrase "costs of any [such] action for damages" to " costs of any action for damages", thereby clarifying applicability

#### **RESPONSE FROM ADMINISTRATION/AGENCY:**

##### **Senator Martin Looney- President pro tempore of the Connecticut Senate**

Senator Looney testified in support of SB163, asserting that the First Amendment protects the right not to listen to coercive speech. Additionally, he addresses claims that the bill would impede on standard functions of businesses, pointing out the exemptions for several specific types of organizations such as religious, educational and political organizations. He also argues that the National Labor Relations Act would in fact not preempt this type of legislation, since it is well established that states may place conditions on entities that receive state money in order to encourage compliance. Finally, he reminds the bill's critics that nowhere in it's text does it limit what employers may say.

##### **Attorney General, State of Connecticut – William Tong**

Attorney General William Tong submitted testimony in support of SB163. Mr. Tong explains that SB163 is materially different from previous "captive audience" bills and would clarify the scope of *Sec. 31-51q of the Connecticut General Statutes, Liability of employer for discipline or discharge of employee on account of employee's exercise of certain constitutional rights*, to specifically include "freedom of religion and freedom of association and shall include the

right to not be required to listen to speech. Mr. Tong emphasizes that SB163 protects an employer's ability to compel attendance to work-related speech such as safety policies, casual conversations and communications limited to managerial and supervisory employees, for example. Additionally, Mr. Tong cites several supreme court cases which have historically protected the state's right to regulate employers under similar circumstances and contexts, as well as others which reject preemption claims.

## **NATURE AND SOURCES OF SUPPORT:**

### **AFL-CIO – Craig Becker, General Council**

Mr. Becker testified in support of SB163. While Mr. Becker notes the obvious merits of SB163, his testimony addresses the basis of two common objections to the bill, citing various court decisions. Mr. Becker argues that neither the First Amendment nor federal labor law stand as an obstacle to SB163. He explains that in his mind, SB163 is comfortably in accordance with the First Amendment as it does not prohibit or limit the discussion of politics, religion or any other subject per se. Rather, it prohibits disciplinary action, termination of employment or the threat thereof based on whether an employee participates in a discussion or meeting concerning matters of individual conscience or matters which do not pertain to their job. Mr. Becker explains that the First Amendment does permit the government to "prohibit offensive speech as intrusive or offensive when the captive audience cannot avoid the objectionable speech". He argues that since no reasonable person would forfeit employment to avoid objectionable speech, this ultimatum constitutes coercion, and the government may intervene. Expression may also be regulated when it merges into conduct, and by this similar token, captive audience meetings are not necessarily protected by the First Amendment. Further, SB163 applies only to unwilling recipients of communication; employers are free to communicate with consenting participants who do not expressly reject the communication and in this way, the bill avoids disruption of appropriate and consensual communication between employer and employee. Finally, Mr. Becker argues that SB163 is not preempted by federal labor law, both because it falls under the State's authority to establish minimum working conditions and because the State retains authority to regulate activity touching on deeply rooted local concerns.

### **Senator George Cabrera**

Senator Cabrera testified in support of SB163, repeating many of the points and anecdotes of previous testimony. He provides contemporary examples of anti-union action in Connecticut and emphasizes that the consequences for retaliatory discipline by employers are toothless and do not serve as an effective deterrent.

### **AFL-CIO – Shellye Davis, Executive Vice President**

Ms. Davis testified in support of SB163. She explains that Unions help expand the middle class, and that unionized workers use fewer safety net services, are more productive and experience less turnover than non-union workers. Ms. Davis also points out that SB163 does not limit an employer from discussing any matters and even allows for compulsory meetings if the subject pertains to work duties.

### **Hebrew Home, West Hartford – Johanna Alabi, CNA**

Ms. Alabi testified in support of SB163 and offered her personal experience attempting to form a union among the staff at the Hebrew Home. She recalls that several years ago, when

her employer got word that she and her colleagues were considering unionizing, they brought in counter-union consultants from Jackson Lewis who Ms. Alabi claims, harassed and intimidated she and her colleagues. She reports that in compulsory meetings, the consultants (who she notes were all white males) used race-based rhetoric, publicly posted private and personal information of targeted employees, and threatened termination of employment. She recalls an instance where one employee physically assaulted another who was attempting to sign a petition for unionization. Ms. Alabi feels that SB163 would allow employees the option and autonomy to protect themselves from this manor of harassment and tend to their patents.

**SEIU District 1199NE – Rob Baril, President**

Mr. Baril testified in support of SB163. He explains the importance of unions and a worker's right to join should they so choose, and echoes many of the concerns and complaints of others working in healthcare. Mr. Baril emphasizes the intrusive and racially divisive nature of the methods used by private consultants such as Jackson Lewis, which aim to sew division and antipathy along ethnic lines and ultimately disrupt cooperation between employees. Finally, Mr. Baril highlights the fact that business owners tap into Medicare and Medicaid funds to pay private consultants, transferring the financial burden of harassing their workers to Connecticut taxpayers.

**United Auto Workers, Region 9A – Beverley Brakeman, Regional Director**

Ms. Brakeman testified in support of SB163, ingeminating and corroborating the observations and grievances mentioned in other testimony. Ms. Brakeman highlights the ways in which the coercion tactics used by employers leverage the existing power imbalance to scare employees away from joining or considering a union. She also emphasizes that SB163 would *not* prohibit employers from holding a meeting, particularly on appropriate work-related matters, it would simply establish a labor standard to protect employees, in the same way that the State is able to set safety standards and minimum wages.

**Stefan Julian, Certified Nursing Assistant – Hebrew Home, West Hartford**

Mr. Julian testified in support. She relayed her experience trying to form a union in opposition to union-busting consultants hired by her employer. Employees were forced to attend captive audience meetings and told if they did not attend, they would be fired or disciplined. She told of employees being subjected to police intimidation and the lasting effect that the experience had on her and her co-workers.

**Amalgamated Transit Union – Oswaldo Chin, President/Business Agent**

Mr. Chin testified in support of SB163. In addition to repeating the points raised in previous testimony, Mr. Chin identifies surveillance, intimidation and threats against an employee's immigration status, as tactics regularly implemented by counter-union consultants on the behalf of companies.

**American Federation of Teachers – John Brady, Executive Vice President**

Mr. Brady testified in support of SB163, offering his personal experience with captive audience meetings. He also argues that union-busting tactics undermine employees' ability to tend to their work responsibilities which is especially hazardous in industries such as healthcare where people's lives and health are on the line. Mr. Brady recalls a particular instance which occurred while he was an employee of Backus Hospital. He claims that he was cornered alone in a 10'x10' by two managers who blocked the door and proceeded to accost and intimidate Mr. Brady. In addition to the lasting fear as a result of the encounter,

Mr. Brady also claims that practices such as these make it both difficult and intimidating to advocate for their patients.

**UAW Local 2121 - Denise Gladue, Financial Secretary Treasurer**

Ms. Gladue testified in support of SB163. She described the challenges she faced forming the first union to organize on a sovereign reservation and under Tribal Law. She identified Captive Audience Meetings as a particular problem because they force employees to attend "informational meetings" or risk discipline or termination. She urged the Committee to approve SB163 prohibiting employers from disciplining or terminating employees who refuse to attend meetings designed to intimidate, coerce, and misinform employees in the hope they will choose not to unionize.

**Connecticut Women's Education and Legal Fund – Madeline Granato, Policy Director**

Ms. Granato testified in support of S.B. 163, stating that it protects worker's constitutional rights to freedom of speech and conscience by establishing a state labor standard that allows employees to refuse to attend captive audience meetings or refuse to listen to speech communicating the employer's opinion concerning religious or political matters. She noted the economic security and benefits which women, especially women of color gain from being unionized. Connecticut employers frequently hire consultants who utilize captive audience meetings and other hostile tactics to discourage unionization.

**Plumbers and Pipefitters Local Union 777 - Cameron Champlin**

Mr. Champlin testified in support of SB163, explaining that it ensures an employer will not intimidate or compel them to attend a meeting that isn't related to work duties. He asserts that we live in a democracy and people should be able to enjoy the rights under the Constitution. Mr. Champlin urges legislators to vote in favor of the bill.

**Connecticut AFL-CIO - Ed Hawthorne, President**

Mr. Hawthorne testified in support. He described the harassment and pressure tactics employees had been subjected to in captive audience meetings and noted that the United States Supreme Court has recognized that it is a form of coercion to make an unwilling recipient listen to even good ideas. He gave many examples of coercive talking points, often misleading and untrue, used in captive audience meetings to convince employees not to unionize. He noted that almost without limits, employers can force workers to attend these captive-audience meetings and impose a "no questions or comments" rule, discipline any worker who speaks up during the meeting, or fire workers who do not attend or get up and leave. He noted that employees also need protection from employers' forced political speech. He stated that the Citizens United v. Federal Election Commission decision expanded the First Amendment rights of corporations, giving employers the ability to require employees to attend meetings about politics and specific candidates. corporations can encourage employees to make political contributions to candidates and they can distribute "voter guides" to employees that make the employer's political positions clear. He then gave several examples of how corporations had used this power to tell employees that if they didn't vote for a particular candidate, they could be out of a job.

**United Food and Commercial Workers Local 371 - Keri Hoehne, Executive Vice President**

Ms. Hoehne testified in favor of the bill stating that union membership is only at 11.6% a fact that she largely attributed to employers' virtually unrestricted ability to intimidate, coerce, and

lie to their employees to get them to vote against joining a union. She gave many examples of coercive captive audience meetings throughout CT. She stated that captive audience meetings during union campaigns are the rule, not the exception. These meetings by their nature create an environment of tension, anxiety, and worry, and since employers continue to conduct them day after day and week after week leading up to an election, many workers decide to vote no, just to end the stress.

**Livingston, Adler, Pulda, Meiklejohn & Kelly, PC - Daniel Livingston**

Mr. Livingston testified in support of SB163, including in his written testimony, a legal memorandum refuting the claim that the bill, if passed, would be preempted by federal law. He stated that his objective is to prevent employers from forcing workers on pain of discharge to listen to political, religious, and social propaganda that has nothing to do with work. He claimed that state law still deems working people to be the property of their employers during the workday and that under current state law an employer can order the employee to listen to almost anything, and if it's on work time, the employee can be fired if he or she refuses to listen. He noted that this advantage was used not only to stop the formation of unions, but also for any political, social, or religious purpose. He asserts that there is nothing in the bill that conflicts with National Labor Relations Act.

**International Union of Operating Engineers Local 30 - William M. Lynn, Business Manager and Financial Secretary**

Mr. Lynn testified in support of SB163. He feels that the passage of SB163 is good policy and a declaration of commitment to fundamental democratic rights. He gave an example of a recent effort to unionize at Materials Innovation and Recycling Authority. Union avoidance consultants used captive audience meetings to stress and intimidate workers into voting against unionization. He urged the passage of the bill so that Connecticut workers could have the choice to support or not support unionization free from pressure tactics.

**IBEW local 420 - Joseph Malcarne, Business Manager**

Mr. Malcarne testified in support of SB163 arguing that the bill would prohibit employers from disciplining or terminating employees who refuse to attend captive audience meetings where workers often endure the employer's use of threats, surveillance, and intimidation when seeking to form a union. He testified about his recent experience trying to unionize workers at Aquarion Water, and how an anti-union consultant from Kentucky used captive audience meetings to shut the effort down. He urged the passage of the bill to establish a state labor standard prohibiting employers from disciplining or terminating employees who refuse to attend employer-sponsored meetings.

**AFSCME Council 4 in New Britain - Kelly Martinez, Director of Organizing**

Ms. Martinez testified in favor stating that it would protect Connecticut worker's freedom of speech by putting an end to captive audience meetings where workers often feel attacked for wanting to organize into the union.

**International Brotherhood of Electrical Workers (IBEW) - Daniel McInerney**

Mr. McInerney testified in support of SB163 stating that employers should not be allowed to subject their employees to captive audience meetings where the employer seeks to control the workforce through fear, and intimidation. He noted that the Supreme Court recognized that it is a violation of First Amendment rights to force people to listen to the views of others.

He stated that he IBEW feels that captive audience meetings are an unfair labor practice in which employers coerce and restrain their employees from exercising the right to organize.

**Antoinette Osei-Bonsu, a Member Organizer District 1199**

Ms. Osei-Bonsu testified in support, telling of her experience as a worker trying to organize a union in her workplace and the harassment, racial discrimination, constant intimidation, and termination that employees endured. She stated that the bill gives employees the right to organize without fear of facing discipline or termination.

**United Food & Commercial Workers Local 371 - Jessica Petronella, Organizing Director**

Ms. Petronella testified in support, stating that employers hire union-busting consultants who use fear, confusion, threats, lies, and intimidation in captive audience meetings with workers who become afraid to vote in favor of forming their union. She urged passage of the bill to create a fair and less intimidating union election process.

**1199 - Maribel Rodríguez**

Ms. Rodriguez testified in support, sharing her story about management intimidation in her workplace that used captive audience meetings. She noted the bill gives employees the right to stop listening when the subject of the meeting is about politics, religion, or labor organizing, without fear of discipline or termination.

**Congress of Connecticut Community Colleges – Seth Freeman, President**

Mr. Freeman testified in support of SB163, emphasizing the impact of captive audience meetings in higher education. He explains that many higher education institutions are increasingly reliant on adjunct faculty who often receive no health insurance, retirement benefits, and do not earn parity in pay. He refers to a successful union drive which "The 4Cs" organized with the University of Hartford, where they collaborated with the administration to agree on improved wages and working conditions. He contrasts this with a failed union drive at another university where employees pay was reduced and many were furloughed during the pandemic. He concludes that there need to be protections against retaliatory action by employers to maintain civilized working environments.

**Sunrise SEIU 1199NE - Lynette Singleton, Direct Support Professional**

Ms. Singleton testified in support. She shares her experience of management hiring union-busting consultants when workers went on strike. The consultant used intimidation and lies to avoid giving us a fair wage increase, and to pass on available state money for healthcare workers. She urged the Committee to hold employers accountable for the intimidation and fear that they create when they engage in union-busting.

**State Building Trades Council - Joseph Toner, Executive Director**

Mr. Toner testified in support, stating that employers use legal and illegal intimidation tactics, including threats of loss of pay and termination, to dissuade workers from forming unions. Captive audience meetings run by union-busting consultants are the primary vehicle for worker intimidation and union-busting. He noted that there are no protections from disciplinary action or termination for workers who leave, or refuse to attend captive audience meetings.

**AFT Connecticut - Jasmine Vendredi**

Ms. Vendredi testified in support stating that employers will try to dissuade workers from unionizing by hiring anti-union consultants who threaten, intimidate, and surveilled workers. She described her experience trying to unionize a Connecticut hospital and the many instances in which workers were intimidated, disciplined unjustly, and subjected to surprise drug tests.

**UAW Local 2121 - David Viveiros, Lead Steward and Sergeant at Arms**

Mr. Viveiros testified in support, describing the experience he had as a union organizer at Foxwoods Resort and Casino. He stated that they were subjected to many intimidation tactics but the worst was captive audience meetings. He noted that without legislation to deter employers from using intimidation tactics, workers will continue to be disciplined or terminated for refusing to attend meetings designed to intimidate, coerce and misinform employees in the hope they will choose not to unionize.

**CWA Local 1298 - David Weidlich Jr, President**

Mr. Weidlich testified in support of the bill stating that it would protect workers from employer disciplinary action or termination for refusing to attend mandatory meetings regarding religious or political matters. He noted that these captive audience meetings were used to harass and intimidate workers and to communicate misinformation, false claims, threats, and instill fear.

**Glanbia Nutritionals - Roger Weldon**

Mr. Weldon testified in support of the bill. He told about his experience trying to form a union at Glanbia and the company's use of an anti-union law firm to undertake captive audience meetings where they communicated half-truths, and misinformation to deliberately confuse and intimidate workers.

**Travis Woodward- Engineer in the Connecticut Department of Transportation and President of CSEA SEIU Local 2001**

Mr. Woodward testified in support, citing the need to address the issue of employer threats, surveillance, and intimidation to discourage unionization. He noted the extensive use of "captive audience meetings" to deliver misinformation, make false representations, issue threats, and attempt to instill fear.

**Ali Dube, North Stonington Resident**

Mr. Dube testified in support of SB163, recalling his own experience with trying to organize a union among his fellow bus drivers. He recalls the termination of his colleague who expressed support for a union and urges the committee to pass SB163 to prevent this from happening in the future.

**Service Employees International Union Connecticut State - Stacey Zimmerman, Council**

Ms. Zimmerman testified in support of the bill stating that the bill protects both the employee and management's rights to free speech and a safe work environment. She supports statutory protections for workers who do not want to attend captive audience meetings which are typically filled with intimidation, threats, and coercion.

**The following groups align themselves with the previous testimony:**



Kirt Ciantar, Element Materials Technology  
Kirby O. Boyce, IMAAW LL 1746  
Keith Brothers, Building Trades Council CT  
Nate Brown, Operating Engineers Local 478  
Joe Campoli, Operating Engineers Local 478  
Tammie Botelho, United Steelworkers Local 134L  
Jody Carr, Executive Director AFSCME Council 4  
Representative International Brotherhood of Electrical Workers  
Michael A. D'Amico  
Dave C. Church, UAW Local 2121  
Carl Chisem, President - Conn. Employees Union Independent

## **NATURE AND SOURCES OF OPPOSITION:**

### **Carpin Manufacturing Inc. – Rachel Albanse, Controller**

Ms. Albanse gave testimony in opposition to SB163. She feels that the definition of "political matters" is overly broad and problematic and expresses concern that the bill would restrict employers from communicating with their employees about critical employment issues, especially during the pandemic. Ms. Albanse goes on to argue that such regulation is beyond the preview of the State Government and should be regulated by the Federal Government, and that similar bills have been unsuccessful in the past.

### **Stencil Ease (Old Saybrook) - James E. Randolph, Owner**

Mr. Randolph testified in opposition stating that the bill restricts the communication of critical workplace matters with their employees. Randolph took exception to the way "political matters" are defined in the bill, and claimed that as written it would restrict employers from communicating on critical employment issues, both pandemic related and generally. He noted that the language in SB163 mirrors that of bills from previous years that failed, due to legal opinions that the bills preempted federal law governing workplace communications. He also argued that the bill does not address the problems he faces himself as a business owner.

Michael K Rocheleau, Executive Vice President at PTA Plastics in Oxford testified in opposition for the same reasons above.

Kathy Saint, President at Schwerdtle Inc. in Bridgeport testified in opposition for the same reasons above.

David L. Segal, President at Edward Segal Inc. in Thomaston testified in opposition for the same reasons above.

Meredith Shay, CEO & President & Owner at InCord in Colchester testified in opposition for the same reasons above.

Steven Rockefeller, President at Able Coil & Electronics Co, Inc. in Bolton testified in opposition for the same reasons above.

Renee Dobos, CEO of Connecticut Housing Partners testified in opposition for the same reasons above.

### **The Connecticut Hospital Association**

The CT Hospital Association offered testimony in opposition, on the basis that the bill conflicted with established case law, and the federal authority of the National Labor Relations Act (NLRA). They state that the Supreme Court has interpreted Section 8(c) to “expressly preclude regulation of speech about unionization.” Chamber of Commerce of U.S. v. Brown, 554 U.S. 60, 68 (2008). This means that states cannot regulate communications about union organizations, even if it is the employer making the statement. This conclusion aligns with the National Labor Relations Board’s (NLRB) longstanding position and practice. They go on to cite extensive case law supporting the position that state regulation of employer communications with workers regarding unionization is preemptive. They also argue that mandatory employer meetings protect workers by allowing workers not to disclose their position on unionization by not attending or walking out. Lastly, they argue that the bill will limit employees' rights to be presented with an alternative view and information that a union would not provide.

### **Insurance Association of Connecticut – Brooke Foley, General Council**

Ms. Foley testified in opposition to SB163, as she feels it actively prevents employers from communicating with their employees and prohibits employers from taking adverse actions against their workers. Further, she argues that the bill is preempted by federal labor law and that it is unconstitutional.

### **Fuss & O'Neill, Inc - Kevin Grigg, Chief Executive Officer**

Mr. Grigg testified in opposition to SB163. He stated that the bill restricts employer's ability to communicate critical workplace matters with their employees because SB163 defines “political matters” too broadly by including the terms “legislation” and “regulation” which would restrict employers from communicating on critical employment issues including, employment-related executive orders, laws, and regulations including those related to COVID. He claimed that under the bill, employers would have been prohibited from updating employees regarding issues including mask mandates, vaccines, flex schedules, hours and wages, impacts on essential workers, unemployment, training, and education without the risk of people walking out. Grigg noted that previous versions of the bill had not passed because of legal opinions that they preempted federal law governing workplace communications which are under the exclusive authority of the National Labor Relations Act.

### **Greater New Haven & Quinnipiac Chambers of Commerce - Garrett Sheehan President & CEO**

Mr. Sheehan testified in opposition to the bill stating that it is an infringement on management rights to communicate with employees. He stated that the definition of “political matters” in this bill has the potential to limit critical information between employers and employees related to the operation of the business and employer involvement in civic or community events. Further, he testified that this bill preempts The National Labor Relations Act (NLRA), 29 U.S.C. § 151 et. seq., which protects the rights of employers to engage in the meetings and communications that are prohibited by SB163.

### **CBIA – John D. Blair, Associate Council**

Mr. Blair testified in opposition to SB163, which he considers an attempt to suppress critical workplace communications. He argues that if the proposal was law during the pandemic, it would have restricted employers from communicating with their workers about pandemic

policies, and that the bill will render Connecticut businesses unable to communicate with employees in an honest manor. Further, Mr. Blair feels that SB163 mirrors failed bills from the past which in his opinion, were preempted by federal law.

**The National Federation of Independent Business (NFIB)**

NFIB provided testimony in opposition to the bill, arguing that the bill as drafted, would restrict free speech for small employers in their workplaces and could inhibit important communications, including internal email, between small business owners and their employees regarding political matters, including discussions of legislation and regulations, as well as issues concerning potential labor organizing activity at private businesses. The NFIB believes the bill (1) is federally preempted by the National Labor Relations Act as interference with employer speech; (2) could promote new and costly civil litigation and/or enforcement actions by state agencies; and (3) could prevent employers from communicating the importance of participating in the political process, especially regarding issues affecting small businesses.

**Waterbury Regional Chamber - Joseph Violette, Director of Public Policy & Economic Development**

Mr. Violette testified in opposition, stating that the bill is an infringement on management rights. He stated that the bill will restrict communication between businesses and their employees, inhibiting important communications and discussions on legislative or regulatory matters and that it will cause harm to existing businesses, negatively influence entrepreneurs, and discourage businesses growth in the State. He noted that similar legislation proposed in the past had been determined by Attorney General George Jepsen to be pre-empted by federal law.

**The following groups repeat or align themselves with the previous testimony:**

Lux Bond & Green  
Daniel Huff, Big Boy's Toys, LLC  
United Parcel Service  
Clay Furniture Industries

**OTHER:**

**David Godbout**

Mr. Godbout opposes SB204 on the basis that legislative proceedings conducted via zoom constitute an unreasonable search of his domicile, and therefore violate the 4<sup>th</sup> amendment. Mr. Godbout expressed concern about the possibility of being prosecuted for what may be visible or audible inside his home while testifying via zoom

**Reported by: Foster Hall**

**Date: 4/20/2022**