

Act Number	Session	Bill Number	Total Number of Committee Pages	Total Number of House Pages	Total Number of Senate Pages
PA 71-340		6767	3	1	3
<u>Committee Pages:</u> <ul style="list-style-type: none"> <i>Labor and Industrial Relations 108-110</i> 				<u>House Pages:</u> <ul style="list-style-type: none"> 2335 	<u>Senate Pages:</u> <ul style="list-style-type: none"> 2152- 2157

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
1971**

**VOL. 14
PART 5
1968-2502**

Monday, May 10, 1971

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For what purpose does the gentleman rise?

MR. HOLDRIDGE (63rd):

(did not use microphone, statement inaudible).

MR. SPEAKER:

I regret to inform the gentleman from the 63rd that the vote has been announced. Our rules provide for someone to change or indicate their vote up to the point that it has been announced.

Will you remark further on the bill as amended? Further remarks on the bill as amended? If not, the question is on acceptance and passage as amended by House Amendment Schedule "A". All those in favor indicate by saying aye. Opposed? The bill as amended is PASSED.

THE CLERK:

Calendar No. 182, Substitute for H.B. No. 6767, An Act Concerning the Recruitment of Strike Breakers in Connecticut Labor Disputes.

MR. PIAZZA (115th):

Mr. Speaker, I move the acceptance of the committee's favorable report and passage of the bill.

THE SPEAKER:

Will you remark?

MR. PIAZZA (115th):

This Act is concerning the recruitment of strike breakers in Connecticut Labor Disputes. The statute as it now stands requires employees of labor and any agents acting for them who wish to replace employees of those positions made vacant by result of a strike, lockout or labor dispute to state in a solicitation of labor that such a labor dispute exists. The amendment proposes to change the size of the type to ten points larger than the largest type of any type appearing in the solicitation. Mr. Speaker, I urge passage

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SENATE

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Calendar number 436 File No. 718. Favorable report of the Joint Senate Committee on Labor and Industrial Relations. Substitute H.B 6767. An Act Concerning the Recruitment of Strike Breakers in Connecticut Labor Disputes.

SENATOR SMITH:

I move for acceptance of the Joint Committee's favorable report for passage.

THE CHAIR:

Any remarks.

SENATOR SMITH:

Mr. President, this bill proposes an amendment to Section 31-121 of the Connecticut General Statutes. It would increase the type size to at least 10 points larger than the largest type size in the ad or leaflet. Many ads which solicit labor often have the largest type size at least 14 point and this would require the labor dispute announcement to be 24 point and notwithstanding any consideration of type size. This amendment guarantees that the announcement of the existence of a labor dispute would be the most prominent feature in the ad. I move for adoption.

THE CHAIR:

Any further remarks.

SENATOR DOWD:

Mr. President, I rise to oppose this bill and in considering it, I hope that my colleagues in the circle would just put

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aside any party consideration and think about this just plain terms of common sense. We all the history of this bill, we all know that initially the bill was set up to outlaw the recruiting of persons living outside of Connecticut to our State, to those firms which are engaged in a labor dispute. My understanding is that this was found to be unconstitutional, so as a compromise or as a sop or what-have-you. Language was added which frankly does nothing to help a basic law that we have on the books. As my distinguished colleague from the 2nd has pointed out it would require that notification that a strike exists at a plant which is in fact recruiting, would have to be in bold face, upper case letters, at least 10 points larger than any other type face in the ad. I've had a couple of these drawn up just to give you an idea what we're talking about and if we accept the premise, and nobody is disputing it, that perhaps such information should be on an ad. What we're suggesting is that we are just going to ruin a basically good ad; we're going to make it appear the most, the boldest type in the whole ad is going to be that the XYZ corporation is currently on strike. In essence what this does is merely add about 50% to the cost of an ad, mess up any esthetics the company is trying to do and in no way improve upon the bill that we have in front of us. Now I recognize what the initial purpose of the bill is I wasn't favor of that to begin with about damning recruitment because I see it as unconstitutional and limiting a person's rights to

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to move for economic purposes among the states. But, just as a half-baked compromise to put in some silly legislation like this on our statutes book, I don't think it makes any sense at all and I would hope that we could preserve the basic intent of the law which is to advise anybody seeking employment that a labor dispute does in fact exist at the company which is soliciting his services. This is obtained by just leaving the bill as it is. But just to cause some ugly looking ads to go in the paper in the press of the State of Connecticut at a cost of another 50%, in adding 50% more to the cost of an ad, to me does no honor, to me does us no glory and is a silly peice of legislation in my judgement or our statutes would be much better without.

THE CHAIR:

Any further remarks.

SENATOR SMITH:

Mr. President, I take exception to Senator Dowd's remarks that this is a silly piece of legislation. The Senator had displayed for the circle, certain type, I don't know the size of the type except according to this bill it simply says that notification that a strike is progress shall be 10 points larger than the information which is contained in the solicitation for employment. Now I have before me too and I know you can't read it here, but these are the type sizes that are used in ads, the smallest is 6 points which means that that portion of the ad

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which notifies that a strike is in progress, simply has to go to at least 18 points, not as large as Senator Dowd has displayed before this circle. That is a silly piece legislation we often hear comments that to give one side an advantage over the other does not bring about a sincere elective bargaining. Any employer who can look into some other country, such as Canada or some other state that does not have the cost of living, or the high wages rather prevailing wage rate as Connecticut can easily continue to break strikes, simply by recruiting out-of-State workers. It's also known and the opposition is solely because many people would rather stay in their states rather than to break a strike in favor of an employer who is simply himself not concerned with fair collective bargaining. This is not a silly piece of legislation, it's the best type of legislation that we could possibly give under the circumstances, not going as far the Senator would say in curtailing our free travel from state to state. This would not stop a person, it simply says that if he is being recruited from outside to come in to break a strike, that at least the employer has had to let him know in advance. Many people that come into Connecticut to get jobs, not knowing that a strike was in progress, and have been turned away. And, Mr. President, now while I'm up, when we vote on this measure, I request a roll call.

THE CHAIR:

Any further remarks.

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SENATOR DOWD:

Mr. President, I press my contention that this is indeed a silly piece of legislation. If in fact it is the will of the General Assembly, in the State of Connecticut, to make it public policy that any employer engaged in a labor dispute so indicates this fact in any advertisement for help, this is clearly safeguarded, in no way is that point curtailed. All we're saying to him is you have to put in, in a ridiculous type size and I repeat it does us no honor at all to pass legislation like this.

THE CHAIR:

Any further remarks. Any questions on a roll-call vote? Those in favor indicate by saying Aye. The Ayes have it. More than 20% voted for roll-call vote. The clerk will announce a roll-call vote to be held in the Senate.

THE CLERK:

The roll-call will be taken in the Senate. Would all Senators please return to the Chamber.

THE CHAIR:

Senator, Fauliso, Senator Smith, Senator Burke, Senator Odegard, Senator Jackson, Senator Pac, Senator Rome, Senator Eddy, Senator Ciarlone, Senator Lieberman, Senator Hammer, Senator Cutillo, Senator Sullivan, Senator Buckley, Senator Crafts, Senator Murphy, Senator Cashman, Senator Gunther, Senator Macauley, Senator Caldwell, Senator Petroni, Senator

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Dowd, Senator Strada, Senator Rudolf, Senator Dupont, Senator Power, Senator Dinielli, Senator Ives, Senator Mondani, Senator DeNardis, Senator Houley, Senator Finney, Senator Alfano.

Absentees: Senator, Zajac, Senator Blake, Senator Rimer.

The result of the voters is as follows: Whole number voting 33, necessary for passage 17. Those voting Aye 18, those voting Naye 15. Those absent and not voting 3. The bill is passed.

THE CLERK:

Continuing on page 2, calendar No. 564, file No. 750.

Favorable report Joint Committee on Banks and Regulated Activities. S.B. 457. An Act Concerning Assessment of Expenses of the Office of the Bank Commissioner. The clerk has an amendment.

THE CLERK:

The clerk has an amendment offered by Senator Ives.

SENATOR IVES:

Mr. President, just as a formality are they going to move the bill before we take the amendment.

THE CHAIR:

You are right now.

SENATOR IVES:

I move for joint acceptance of the bill and passage.

THE CHAIR:

Will the clerk please read the amendment.

THE CLERK:

**JOINT
STANDING
COMMITTEE
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**LABOR
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LABOR AND INDUSTRIAL RELATIONS

10:00 A.M., PUBLIC, ROOM 408

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R. Krause: for the City of Hartford. I am speaking on behalf of the Hartford City Manager Eli Freedman, who is also, Chairman of the Legislative Committee for the Connecticut Town and City Managers Association.

Very briefly, on this bill, we feel that it may have a generally beneficial effect particularly in the area of teacher negotiations. We, therefore, support the bill.

Chr. Badolato: Lest anyone get the wrong impression. You mentioned the City Manager being chairman of an organization. Did that organization go on record for or against this bill?

R. Krause: The organization itself did not go on record on the bill. The organization has four legislative chairmen for four different subject matter areas and has asked each legislative chairman to take positions with respect to the bills within his area of jurisdiction.

Chr. Badolato: Thank you.

Sen. Dowd: Senator Thomas Dowd, 25th District. Sir, have you found the qualifications of the arbitrators a problem?

R. Krause: Just within the area of the useful negotiations under Public Act 159. We have had some general impressions that there have been certain problems with respect to teacher negotiations under Sec. 2-153, I believe it is, and we thought that in this particular area, the bill may be beneficial.

Chr. Badolato: Thank you. Is there anyone else in favor? Anyone in opposition? Then we will move on to H. B. 6767 (Rep. Ratchford of the 167th Dist., Rep. Kennelly of the 1st Dist., Rep. Ajello of the 118th Dist., Sen. Alfano of the 7th Dist., Sen. Caldwell of the 23rd Dist., Rep. Papandrea of the 78th Dist., Rep. Mahaney of the 19th Dist., Rep. Prete of the 114th Dist., Rep. O'Neill of the 52nd Dist., Rep. Hannon of the 16th Dist., Rep. Morris of the 111th Dist.) AN ACT BANNING RECRUITMENT OF OUT-OF-STATE STRIKE BREAKERS IN CONNECTICUT LABOR DISPUTES. Anyone in favor?

J. Bober: Mr. Chairman. My name is Joseph Bober. I am Secretary-Treasurer of the State Labor Council. I spoke on a bill at the last Hearing of the Labor Committee. It is a little stronger than this bill. This bill would have you prohibit the recruitment of out-of-state strike breakers for use in labor disputes. We favor more stringent provisions to prohibit the hiring of strike breakers out-of-state.

The present law prohibits only the recruitment of professional strike breakers. I might remind the Committee there is a law

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J. Bober: that would prohibit the recruitment of professional strike breakers from out of the state. This law goes a little further, and we would deem it further than that, even though I know the people representing management will tell you it's unconstitutional. This is the standard cry on any of the bills that they can't find any other argument against. They always look to the constitutionality of the bill. Thank you.

Chr. Badolato: Thank you. Is there anyone else in favor? Then, we will hear those in opposition. Is there anyone in opposition?

D. Van Winkle: Mr. Chairman and Members of the Committee. I am sorry that Mr. Bober characterizes the Constitution of the United States at such a low level but we think it is significant and there have been cases which have construed similar legislation; that is, legislation which prohibits one resident from moving from one state to the other either to conduct a business or accept employment.

As a matter of fact, the case of Edwards vs California in 1941 was decided by the U. S. Supreme Court on the basis of a law which prohibited any indigent from entering the State of California and that was held unconstitutional under the Commerce Clause, Article 1, Section 8. Also, under two other clauses of the Constitution, Article IV, Section 2, the Privileges and Immunities Clause of Citizenship has been construed as banning this type of legislation. I will quote to you one sentence from a case of Ward vs Maryland, "the clause plainly and unmistakably secures and protects the rights of a citizen of one state to pass in to any other state of the Union for the purpose of engaging in lawful commerce, trade, or business, without molestation".

Finally, the 14th Amendment in three different ways declares this type of legislation unconstitutional. I will quote from a case of Truax vs Raich, "it requires no argument to show that the right to work for a living in the common occupations of the community is of the very essence of the personal freedom and opportunity that it was the purpose of the 14th Amendment to secure".

This type of legislation has come up for the last five Sessions that I have been concerned with the State Legislature and that a bill was passed, which was previously referred to by Mr. Bober. This is now Section 31-48a, it prohibits so-called professional strike breakers;

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D. Van Winkle: that is, a person who has offered himself for employment two or more times in a labor dispute situation. There is legislation, also, in other states which prohibit the importation of people who come bearing arms or come for the purpose of inciting violence, but there is no way that I can see that our present legislation could be extended without violating the very basic right of one individual to move from Connecticut to another state to take a job or to move from some other state into Connecticut to take a job. This, I think, would be the most flagrant assertion of the attitude of the State of Connecticut in opposition to the creation of jobs in the State than I could possibly imagine. Thank you.

Chr. Badolato: Thank you. Is there anyone else?

K. Decko: Mr. Chairman, Ladies and Gentlemen. Ken Decko, speaking for Connecticut Business and Industry Association. We are opposed to this bill for two main reasons. One, as Dale pointed out, it is clearly unconstitutional. It denies equal protection of the laws to our out-of-state citizens. Second, a more mundane reason, 31-48a forbids the recruitment of professional out-of-state strike breakers and since this is already on the books, there is no need for this present bill. Thank you.

Chr. Badolato: Thank you. Is there anyone else?

H. E. Snoke: I am Harmon E. Snoke, Executive Vice-President of the Manufacturers Association of Bridgeport. Mr. Chairman, Members of the Committee. I think we still have one mention that should be made here. We don't have to have passports to go from one state to the next and I don't think any restriction like this should be put on anybody who is willing and able to accept employment. You don't want them to go on Welfare. You don't want them to go on Unemployment Compensation and if someone wants to come here from another state that has some skill and wants to provide, he should not be discriminated against by such legislation.

Chr. Badolato: Is there anyone else in opposition? If not, then we will move on to H. B. 6769 (Rep. Mastrianni of the 119th District, Rep. Badolato of the 30th District) AN ACT CONCERNING ANNUAL REPORTS OF LABOR ORGANIZATIONS. Is there anyone in favor of H. B. 6769? Is there anyone in opposition? If not, then we will move on to H. B. 6897 (Rep. Iwanicki of the 79th) AN ACT CONCERNING PREFERENCE TO AMERICAN FABRICATED STEEL AND IRON PRODUCTS. Is there anyone in favor of H. B. 6897?