

☞ **09hr_SC-LEUA_sb0585_pt01**



Details:

(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

**Committee on ... Labor, Elections, and Urban
Affairs (SC-LEUA)**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Gigi Godwin (LRB) (August/2011)

Senate

Record of Committee Proceedings

Committee on Labor, Elections and Urban Affairs

Senate Bill 585

Relating to: prohibiting discrimination against an employee who declines to attend an employer-sponsored meeting or to participate in any communication with the employer or with an agent, representative, or designee of the employer, the primary purpose of which is to communicate the opinion of the employer about religious or political matters.

By Senators Coggs, Hansen, Lassa, Kreitlow, Wirch and Taylor; cosponsored by Representatives Van Akkeren, Sinicki, Milroy, Berceau, Black, Pope-Roberts, Pasch, Young, Pocan, Turner and Grigsby.

March 02, 2010 Referred to Committee on Labor, Elections and Urban Affairs.

March 16, 2010 **PUBLIC HEARING HELD**

Present: (5) Senators Coggs, Wirch, Lehman, A. Lasee and Grothman.

Absent: (0) None.

Appearances For

- Spencer Coggs — Senator
- Terry Van Akkeren — Representative
- Danny McGowan — Wisconsin Teamsters Joint Council 39
- Fred Gregare — Teamsters Joint Council 39
- Kelly Maloney — Teamsters Local 662
- Chad Peters — Teamsters Local 662
- Tom Strickland — Teamsters Local 662
- Tom Kamack — Teamsters Local 344
- Patrick Puffer — Teamsters Local 344
- Jim Dillon — Teamsters Local 344
- Paul Brzezinski — Teamsters Local 344
- Tom Millonzi — Teamsters Local 200
- Ronald Falkowski
- Wesley Gable — Teamsters Local 43
- Debra Christensen
- Christine Ballewske
- David Boetcher — IBEW Wisconsin State Conference
- Dave Vandenberg
- Vangie Moreno — International Brotherhood of Teamsters
- Gene Gowey — Teamsters Local 695

Appearances Against

- John Metcalf — Wisconsin Manufacturers & Commerce
- Jonathan Swain
- Tom Krukowski

Appearances for Information Only

- John Huebscher — Wisconsin Catholic Conference

Registrations For

- Susan McMurray — AFSCME
- Steve Nelson — Teamsters Local 200
- Mark Herrmann — Teamsters
- David Reardon — Teamsters
- Larry Wedan — Teamsters
- Tony Connelius — Teamsters Local 662
- Brian Zamercik — Teamsters
- Werner Holzwarth
- Robert Prinz — Teamsters Local 200
- Rick Skutak — Teamsters Local 662
- Dion Vancos — Teamsters Local 662
- Rob Moss
- John Kaiser — Teamsters Local 662
- Tim Wentz — Teamsters Local 662
- Ron Froelich — Teamsters
- Clark Commons — Teamsters
- Brian Quandt — Teamsters
- Mike Koziara — Brotherhood of Maintenance of Way Employees
- Anthony Dimond — Brotherhood of Locomotive Engineers and Trainmen
- Paul Aird — Brotherhood of Locomotive Engineers and Trainmen
- Steve Wilding — Professional Firefighters of Wisconsin
- Mark Weissbrodt — Teamsters Local 344
- Sharon Williams — Teamsters Local 695
- John Baumann
- Steve Severson
- Beth Kirchman
- Sam Galle — Workers United
- Thad Steinke — IUOE Local 139
- William Firkus — IOUE Local 139
- Lon Bjornsend
- Josh Garner — Sheet Metal Workers Local 18
- Brandon Day — Ironworkers Local 8

- Chris Ignatowski — UA Local 434
- Scott Arnold — Operating Engineers Local 139
- Mark Gauf — Operating Engineers
- Darren Rohde — Operating Engineers Local 139
- Tony Vanderbloemen — Greater Green Bay Labor Council
- Steve Buffalo — IUOE 139
- Tim Goele — IUOE 139
- Dan Schultz
- Shaun McHugh — Operating Engineers Local 139
- Anthony Bog — Operating Engineers
- Bob Peyer
- Randall Knox — UFCW Local 1473
- Chad Whiteside
- Scott Spearo
- Peter Singler — UFCW Local 1473
- Ike Edwards — UFCW
- Cecilia Prickett — UFCW Local 1473
- Mark Reihl — Wisconsin State Council of Carpenters
- Joanne Ricca — Wisconsin State AFL-CIO

Registrations Against

- Julaine Appling — Wisconsin Family Action

Registrations for Information Only

- None.

April 8, 2010

EXECUTIVE SESSION HELD

Present: (5) Senators Coggs, Wirsch, Lehman, A. Lasee and Grothman.

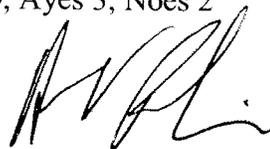
Absent: (0) None.

Moved by Senator Lehman, seconded by Senator Wirsch that **Senate Bill 585** be recommended for passage.

Ayes: (3) Senators Coggs, Wirsch and Lehman.

Noes: (2) Senators A. Lasee and Grothman.

PASSAGE RECOMMENDED, Ayes 3, Noes 2



Adam Plotkin
Committee Clerk

Vote Record

Committee on Labor, Elections and Urban Affairs

Date: Thursday, April 8, 2010

Moved by: LEHMAN Seconded by: WIRCH

AB _____ SB 585 _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt _____
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:

- Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator Spencer Coggs, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Wirch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator John Lehman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Alan Lasee	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Glenn Grothman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>3</u>	<u>2</u>	_____	_____

Motion Carried

Motion Failed

WISCONSIN TEAMSTERS JOINT COUNCIL No. 39

Affiliated with the International Brotherhood of Teamsters



FRED GEGARE
President
1546 Main Street
Green Bay, WI 54302
920-435-8895
FAX 920-435-1522

PAUL G. LOVINUS
Secretary-Treasurer
10020 West Greenfield Avenue
Milwaukee, WI 53214
414-258-4545
FAX 414-258-9465

March 5, 2010

TONY CORNELIUS
Vice-President
1546 Main Street
Green Bay, WI 54302

To: Committee on Labor, Elections, and Urban Affairs

WAYNE SCHULTZ
Recording Secretary
1314 N. Stoughton Road
Madison, WI 53714

Re: SB 585

Dear Senator,

GEROLD JACOBS
Trustee
1624 Yout Street
Racine, WI 53404

The above referenced bill is fashioned after a similar bill that was passed in Oregon in 2009 and is known as the Workers Freedom Act. The premise of this bill is simple, employees should not be forced to attend any meeting called for by their employer, to listen to any subject that is not work related i.e. Religious or political matters. The bill also covers situations where employees are in the process of forming a Union and are mandated by their employer to attend a meeting whereby they are subjected to threats, intimidation and lies simply for exercising their rights by law to form a Union.

THOMAS MILLONZI
Trustee
6200 W. Bluemound Road
Milwaukee, WI 53213

DAVID REARDON
Trustee
P.O. Box 86
Eau Claire, WI 54702

Employees should have the right to refuse to attend any meetings of this sort and simply be able to return to work without fear of being insubordinate and subject to discipline or discharge. A fair day's work for a fair day's pay does not mean having to listen to your employers opinions about non work related matters. This is a workers' rights issue and that is why the passage of this bill is so vitally important.

On behalf of Wisconsin Teamsters Joint Council 39, I am registering our strong support for this bill.

I am respectfully requesting that you support this bill and urge your fellow legislators to do the same.

Sincerely,

Danny L. McGowan
Legislative Liaison

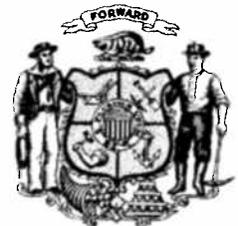
Wisconsin Teamsters Joint Council 39/ms

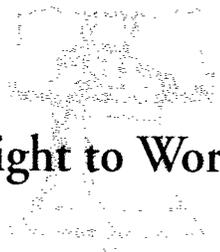
Cc: Senators, Coggs, Lehman, Lasee, Grothman, and Wirch, Hansen, Lassa, Krietlow, and Taylor.

Representatives, Van Akkeran, Sinicki, Milroy, Berceau, Black, Pope-Roberts, Young, Pocan, Turner, and Grigsby



WISCONSIN STATE LEGISLATURE





National Right to Work Committee

A COALITION OF EMPLOYEES AND EMPLOYERS

March 8, 2010

MARK MIX, *President*

The Hon. Spencer Coggs
Room 123 South
State Capitol
P.O. Box 7882
Madison, WI 53707

RE: **Senate Bill 585**

POSITION: **Oppose**

Dear Senator Coggs:

On behalf of the thousands of members and supporters of the National Right to Work Committee in Wisconsin, I urge you to oppose Senate Bill 585.

The number one priority for union officials is to increase the number of workers who are required to pay union dues in order to keep their jobs. This bill is designed to do just that.

S.B. 585 would place a gag order on every employer in Wisconsin -- making it illegal for them to have honest discussions with their employees about the consequences of monopoly bargaining.

This bill would put Wisconsin workers at a high risk to be manipulated into union-controlled monopoly bargaining, because when the time comes to vote on representation, there would be no one to counter the claims of union leaders.

Union organizers would be free to tell workers whatever they think would gain them monopoly bargaining privileges, and employers would be powerless to set the record straight.

By allowing only one side of the story to be told at a place of employment, you deny workers a free choice and force them to accept union officials as their only source of information regarding representation and bargaining contracts.

By passing S.B. 585, not only would you infringe on the rights of Wisconsin's public and private workers but also you would rob

the pocketbooks of Wisconsin's taxpayers.

In state after state, as union officials gain more monopoly bargaining powers, costs skyrocket while quality of service declines.

Gag orders like S.B. 585 don't do anything to ensure that facilities are more efficient or workers are more dedicated -- if anything, the reverse is true. All they do is allow union officials to force their monopoly "representation" on more Wisconsin workers and companies.

Only Big Labor would gain from this bill. Non-union workers, taxpayers and state government would all lose out.

No employer should be forced by state government to hand over his or her employees to union boss control, and no worker should be forced to accept and pay for the unwanted "representation" of a union official.

In the interests of the rights of the working men and women of Wisconsin, of sound public policy, and of basic fairness, I urge you to oppose Senate Bill 585.

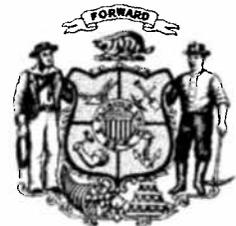
Sincerely,

A handwritten signature in black ink, appearing to read "Mark Mix". The signature is written in a cursive, flowing style.

Mark Mix
President



WISCONSIN STATE LEGISLATURE



INTERNATIONAL BROTHERHOOD OF TEAMSTERS

JAMES P. HOFFA
General President

25 Louisiana Avenue, NW
Washington, DC 20001



C. THOMAS KEEGEL
General Secretary-Treasurer

202.624.6800
www.teamster.org

March 12, 2010

VIA FACSIMILE

Senator Spencer Coggs
Chair, Senate Committee on Labor, Education and Urban Affairs
Room 123 South
State Capitol
P.O. Box 7882
Madison, WI 53707-7882

Dear Chairman Coggs:

I am writing you to urge the Wisconsin Senate Committee on Labor, Elections and Urban Affairs to support the Workers Freedom Act (Senate Bill 585) when it comes before your committee. This bill is essential in assisting workers in Wisconsin to receive the necessary rights and protections in the workplace our nation has strived towards for more than one hundred years.

Union elections are unlike any in this country largely due to the control that employers hold over their workers. When considering the merits of joining a union, employees must not be forced to attend captive audience meetings by their employer. Unfortunately, across the country, more than ninety percent of private-sector employers whose workers consider joining a union hold captive audience meeting, delivering anti-union messaging, threatening to fire pro-union workers, or even threatening to close facilities where employees consider the merits of forming a union. Employees should not face intimidation or threats in the workplace, and the Workers Freedom Act will ensure those protections are in place.

The Workers Freedom Act will ensure employees – not employers or unions – choose how to best represent themselves in the workplace by

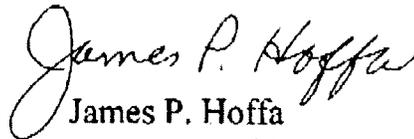
March 12, 2010

Page Two

individually voting on the merits of forming a union in the workplace. Allowing workers to choose for themselves is an integral part in restoring the country's middle class, and the passage of the Workers Freedom Act will once again highlight Wisconsin's leading role in the United States in protecting employees.

I urge this committee to favorably pass Senate Bill 585.

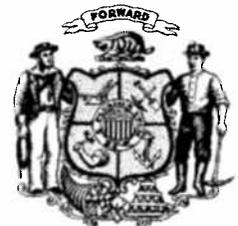
Sincerely,


James P. Hoffa
General President

cc: Senator Russell Decker, Senate Majority Leader, Wisconsin State
Senate
Fred Gegare, President, Teamsters Joint Council 39



WISCONSIN STATE LEGISLATURE



Communications
Workers of America,
AFL-CIO/CLC
district4.cwa-union.org

5126 South 108th Street
Hales Corners, WI 53130
OFC: (414) 525-4292
FAX: (414) 525-4294

Seth Rosen
Vice President – District 4
Illinois, Indiana, Michigan, Ohio and Wisconsin
SROSEN@CWA-UNION.ORG



March 12, 2010

Senator Spencer Coggs
Chair, Labor, Elections and Urban Affairs Committee
Room 123 South
State Capitol
P.O. Box 7882
Madison, WI 53707-7882

Re: Hearing on Senate Bill 585: Worker Privacy Act

Dear Senator Coggs;

I am writing to you in order to express my strong support for Senate Bill 585, the Worker Privacy Act.

I wanted to attend the hearing scheduled for March 16th however my work schedule dictates that I am out of town on that day.

Wisconsin workers need legislation prohibiting employers from requiring employees to attend meetings where political or religious topics are discussed, as well as mandatory anti-union meetings, commonly referred to as "captive audience meetings". These types of meetings are coercive and very intimidating to workers.

Workers should not be forced to attend workplace meetings on issues that are unrelated to their job performance. Employers could still hold such meetings, but could not require attendance. Any worker who refused to attend could not be disciplined or discharged.

I am very much in support of this Legislation and am counting on your support in order to protect Wisconsin's workforce. I appreciate your consideration.

Sincerely,

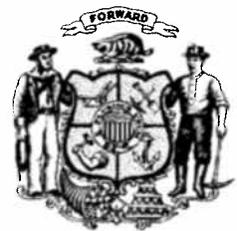


Joy Roberts
CWA District 4
Staff Representative

JR:bl
Opeiu9AFLCIO



WISCONSIN STATE LEGISLATURE



Plotkin, Adam

From: Phil Neuenfeldt [pneuenfeldt@wisafclcio.org]
Sent: Monday, March 15, 2010 3:29 PM
Subject: Support for SB 585
Attachments: image001.jpg



To: Senate Labor, Elections & Urban Affairs Committee Members
From: Phil Neuenfeldt, Secretary-Treasurer
Date: March 15, 2010

Re: Support for Senate Bill 585

Increasingly, employers are forcing employees to attend mandatory meetings that are not related to the performance of their jobs. These meetings will convey specific views of the employer related to political or religious issues, including an employer's views about unions. This can be very intrusive and intimidating to employees who have different political and religious views but fear retaliation if they refuse to participate. SB 585 protects employee privacy by giving workers the right not to participate in meetings or communications not related to job performance, and it protects workers from retaliation by their employer.

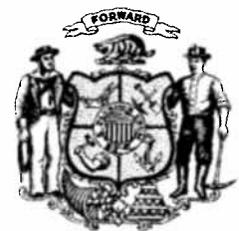
The free speech of employers is preserved because they are still free to voice any opinion through meetings or other communications. SB 585 simply protects an employee's right not to participate if it is not related to job performance. The bill includes commonsense exemptions for organizations whose primary work is political or religious.

Employee privacy protections are a legitimate concern of the state and we ask for your support.

PN/JR/As:opeiu#9,afl-cio



WISCONSIN STATE LEGISLATURE



Senate Bill 585

Senate Committee on Labor, Elections and Urban Affairs
March 16, 2010

Mr. Chairman, (Senator Spensor Coggs) and Committee Members, thank you for your time today allowing me to speak on SB 585 which is the Workers Freedom Act.

My name is Ron Falkowski and I am employed at UPS Freight, formerly known as Overnite Transportation.

I am here today to speak in favor of SB 585.

I was instrumental in the organizing campaign at Overnite beginning in 1994. I personally was forced to sit in on many of the meetings held by Overnite management. These meetings were mandatory for all employees and consisted of nothing more then antiunion rhetoric.

Approximately once a week these meetings were held over a period of a year. After that less frequent but we still received a steady diet of them.

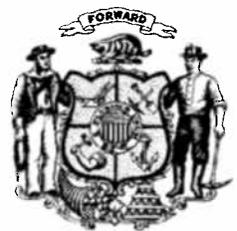
Let me repeat myself these meetings were not voluntary; we were told we WILL attend these meetings. Anyone who spoke out during these meetings in opposition to the companies antiunion stance was given all the crap jobs, sent home early so they did not get in an 8 hour day, and were basically harassed for taking a pro union stance.

I would ask that you support this bill so workers do not have to be subjected to these sorts of tactics.

Thank you for giving me the time today to speak in favor of SB 585.



WISCONSIN STATE LEGISLATURE





WISCONSIN CATHOLIC CONFERENCE

TESTIMONY REGARDING SENATE BILL 585 Presented by John Huebscher, Executive Director March 16, 2010

On behalf of the Wisconsin Catholic Conference, I wish to present this informational testimony regarding Senate Bill 585.

The WCC approaches this bill in the context of Catholic teaching on religious liberty as expressed in the *Declaration on Religious Freedom* promulgated by the Second Vatican Council in December of 1965. We also assess this bill from the perspective of Catholic employees, Catholic employers, dioceses, and other Church-affiliated organizations.

The *Declaration* affirms that the right to religious freedom has its foundation in the very dignity of the human person. All people have this right. This freedom means that all are “to be immune from coercion on the part of individuals or of social groups and of any human power, in such wise that no one is to be forced to act in a manner contrary to his own beliefs, whether privately or publicly, whether alone or in association with others, within due limits.” (*Declaration on Religious Liberty*, #2)

As we assess SB 585 in terms of the workplace today, we are not aware of instances when Catholic employees are required to attend meetings arranged by non-Catholic employers for the purpose of influencing their religious beliefs or preferences. Were that to happen, Catholics should be free to opt out of the meetings.

Neither are we aware of Catholic employers in the private sector compelling non-Catholics to attend meetings with the intent of influencing their religious beliefs or practices. For a Catholic employer to do so is inconsistent with the *Declaration* previously mentioned.

Church agencies, Catholic dioceses, parishes, and other Catholic agencies may from time to time expect Catholic employees to attend sessions that provide ongoing formation so that they may better understand their faith. The bill protects this in its language on page 6 at lines 12-15. This language states that the provision does not apply to employers who are religious associations or to organizations that are primarily controlled by a religious association, if the primary purpose of a meeting is to communicate the employer’s religious beliefs, tenets, or practices.

There are also occasions when Catholic agencies, such as Catholic hospitals and Catholic Charities, may provide mandatory sessions for all employees, including those who may not be Catholic. The purpose of such sessions is not to proselytize. Rather their goal is to educate staff on the relationship between Catholic teaching and the mission of the organization. We believe the bill does not cover such meetings because the meetings are not like those described on page 5 at lines 1-2 and because the exemption on page 6 of the bill protects these sessions as well.

Lastly, we raise one point of clarification.

Religious groups often witness their values by public advocacy. Such advocacy is related to a church's beliefs, tenets, and practices. Thus at times, church personnel meet to discuss and plan advocacy. This type of activity seems to be exempted by the language beginning on page 6 lines 12-15 and on page 7 at lines 1-3. However, additional clarity on this point would be helpful.

I hope this testimony is useful as you assess the need for, and implications of, this proposal.

WISCONSIN CATHOLIC CONFERENCE

TO: Catholic Charities Directors
CHA-W Board of Directors

FROM: John Huebscher

DATE: March 8, 2010

RE: Senate Bill 585 - Employer Meetings and Communications on Political or Religious Matters

On March 16, the Senate Committee on Labor, Elections and Urban Affairs will hold a hearing on Senate Bill 585. The authors of the bill state their intent is to prevent employers from punishing or discriminating against employees who refuse to attend meetings or participate in communications primarily intended to advance the opinion of the employer regarding political or religious matters.

A copy of the bill is attached. Please pay special attention to page 6 of the proposal, lines 12-15. This language states that the bill does not apply to employers who are religious associations, or to organizations that are primarily controlled by a religious association, if the primary purpose of a meeting is to communicate the employer's religious beliefs, tenets, or practices.

We are addressing this bill with two objectives: 1) to affirm the right of Catholics in the work place to be free of compulsion by non-Catholic employers; and 2) to make sure the bill does not infringe on the rights of Church agencies.

At this point we are inclined to testify "for information only" offering neither support nor opposition to the bill. Our testimony would make these points:

- The Vatican II document on religious freedom affirms every person is free to seek God in his or her own way, and no person may compel another to hold a religious belief or engage in a religious practice that violates their conscience;
- We are not aware of instances where Catholic employees are required to attend meetings arranged by non-Catholic employers;
- Catholic dioceses, parishes, and other Catholic agencies do expect employees to attend sessions that provide ongoing formation so they may better understand their faith;
- Catholic agencies, such as Catholic hospitals and Catholic Charities, may provide mandatory sessions for all employees, including those who may not be Catholic, for the purpose of educating staff on the relationship between Catholic teaching and the mission of the organization. These sessions are not for the purpose of proselytizing.

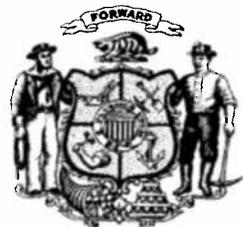
As we prepare our testimony, it would be helpful if you or your staff could review the bill, especially the language noted above, to determine whether the bill, as drafted, poses a problem for your organization. I would appreciate receiving your insights by Friday, March 12, if at all possible.

Thanks in advance for any information you can provide.

Attachment



WISCONSIN STATE LEGISLATURE



Found in SB 585 folder.

March 16, 2010
Jeffrey S. Russell, PE
russell@engr.wisc.edu
608-219-1909 cell

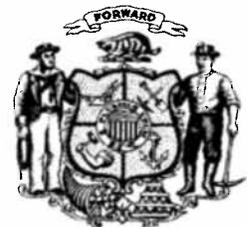
My name is Jeffrey S. Russell, PE and
the Chairman of the UW-Madison Department
of Civil and Environmental Engineering.

I want to, on behalf our the Department of
Civil and Environmental Engineering, speak in support
of AB 203.

Our department is in support of this bill on
the basis that ~~this~~ it is in the best interest
of the public and promotes advancing public
health, safety, and welfare.



WISCONSIN STATE LEGISLATURE





WISCONSIN'S BUSINESS VOICE SINCE 1911

TO: Members of the Senate Committee on Labor, Elections and Urban Affairs
FROM: John Metcalf, Director, Human Resources Policy
DATE: March 16, 2010
RE: Opposition SB 585 – Limits on Employer's Ability to Meet With Workers During Union Organizing Campaigns

Background

Senate Bill 585 prohibits discrimination against an employee who declines to attend an employer-sponsored meeting or to participate in any communication with the employer or with an agent, representative, or designee of the employer, the primary purpose of which is to communicate opinions about religious or political matters, including communications relating to a union organizing campaign.

Under the bill, discrimination on that basis includes discharging or otherwise discriminating against an employee because the employee declines to attend such a meeting or to participate in such a communication or threatening to discharge or otherwise discriminate against an employee as a means of requiring the employee to attend such a meeting or participate in such a communication.

For purposes of the bill: 1) "religious matters" means religious affiliation or the decision to join or not to join, or to support or not to support, any bona fide religious association; 2) "political matters" means political party affiliation, a political campaign, an attempt to influence legislation, or the decision to join or not to join, or to support or not to support, any lawful political group, constituent group, or political or constituent group activity; and 3) "constituent group" includes a civic association, community group, social club, fraternal society, mutual benefit alliance, **or labor organization.**

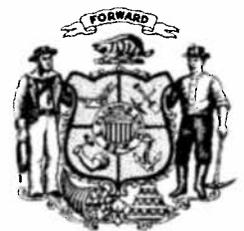
WMC Position - Oppose

This legislation would directly prohibit communications between employers and employees, at an employee's request, in the context of a union organizing campaign, in violation of the National Labor Relations Act (NLRA). A series of United States Supreme Court decisions have determined that almost all labor management relations issues are subject to the exclusive regulation of the NLRA. The only recognized exception to the NLRA's pre-emptive authority is where a state is exercising its policing authority in order to prevent threats of violence to persons or property. There is no legal basis for limiting NLRA protected communication in this manner.

Further, WMC opposes expansions of the Wisconsin Fair Employment Act where a vast majority of complaints are currently determined to have no probable cause for their filing. Finally, there is no means for employers who often have costly defense fees in WFEA claims to recoup their costs.



WISCONSIN STATE LEGISLATURE



SENATE BILL 585
Senate Committee on Labor, Elections and Urban Affairs
March 16, 2010

Mr. Chairman, (Senator Spencer Coggs) and Committee Members, thank you for allowing me the opportunity to speak on SB 585 which is the Workers Freedom Act.

My name is Fred Gegare and I am the President of Wisconsin Teamsters Joint Council 39.

I am here today to speak in favor of SB 585.

I have been a representative for labor for 35 years.

The Teamsters Union has always placed organizing the unorganized as a top priority.

What's sad is the fact that when employees do want to exercise their rights as an American citizen and form a Union, their employer brings them in and threatens them with their job.

The Companies meet with the employee's one on one or as a group.

They intimidate the employees with threats of discharge, loss of wages and benefits, and tell them lies about the Union that they want to join.

Not only does the employer force employees to attend these meetings they also fire employees that they believe are the leaders in trying to form a Union.

This is just another way to intimidate the rest of the employees so that they will abandon their attempts to form a Union.

Employees are guaranteed rights by law to form a Union.

Why is it that ruthless employers are allowed to get away with intimidating and threatening employees simply to dissuade them from exercising their rights by law?

I am not saying that employers cannot speak with their employees about their views on Unions.

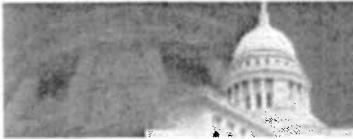
I am saying that employers should not be able to force employees under threats of discipline, to attend these meetings and listen to their rhetoric.

If employees voluntarily want to attend these meetings that is their right.

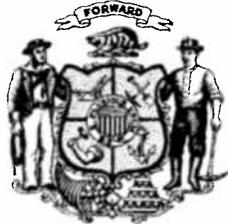
Mr. Chairman, this is a Workers' Rights issue, and the Wisconsin Legislature has the opportunity now to correct this injustice to our workers.

I respectfully request that you support this bill and do your utmost in getting it passed into law this session.

Thank You for allowing me the opportunity to voice my views and support for SB 585.



WISCONSIN STATE LEGISLATURE



SENATE BILL 585
Senate Committee on Labor, Elections and Urban Affairs
March 16, 2010

Mr. Chairman (Senator Spencer Coggs) and Committee Members, thank you for allowing me to speak on SB 585 which is the Workers Freedom Act.

My name is Danny L. McGowan and I am the Legislative Liaison for Wisconsin Teamsters Joint Council 39.

I am here today to speak in favor of SB 585.

Senate Bill 585 pertains to workers rights in the work place.

Employees should not have to listen to their employer's opinions regarding any subject that is not work related.

Such subjects include those private matters that pertain to religious, political or union affiliation.

Workers have a First Amendment right not to listen to an employer's view on these private matters.

Employers use their power over employees by forcing them to listen to their opinions on these matters with threats of discipline or discharge if they don't.

Mandatory meetings are nothing more than a FEAR TACTIC that employers use to persuade employees to do what they want them to do.

How would you feel as an American citizen, exercising your right to form a Union and your employer brings you in and threatens to close the doors, lay you off, and reduce benefits if you pursue those rights by law?

Just think of how intimidated you would feel if you were a minority in this situation.

Employers have the right to speak on these subjects and employees have the right to voluntarily listen to their employers view on these subjects.

Employees should not however, under the threat of discipline be forced to attend any meetings of this sort and have to listen to their employers views on these subjects or be subjected to threats and lies regarding Union affiliation.

As I stated before this is simply a Workers' Rights issue.

You will hear testimony today from Union Organizers, Officers and Business Representatives, explaining to you how elections were affected by these captive audience meetings.

More compelling though will be the testimony that you will hear from employees that were traumatized after being forced to attend these meetings and you will hear from employees that were fired from their jobs after participating in these meetings, simply to cause the FEAR FACTOR amongst the rest of the employees.

This is good legislation and does not infringe on any rights of the employer.

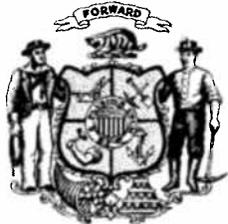
The bill simply will not allow an employer to mandate employees to attend these captive audience meetings under threat of discipline.

I respectfully request that you support this bill and urge your fellow legislators to do the same.

I thank you for taking the time to listen to my testimony today.



WISCONSIN STATE LEGISLATURE



Senate Bill 585
March 16, 2010
Senator Spencer Coggs

Members,

Thank you for holding this hearing on Senate Bill (SB) 585, also known as the Worker Freedom Act.

Originally, this national model legislation was drafted to prevent employers from taking punitive action against employees who did not want to attend mandatory meetings that were designed to discourage employees from organizing or joining a union.

Recently, the Oregon Legislature adopted a more expansive version of the original model legislation that includes protections from an employee being forced to attend a

meeting not directly related to work matters. This legislation defines what prohibited topics are for a mandatory employee meeting, including religious, political, and community messages. Exemptions are built in for organizations whose primary purpose is religious or political.

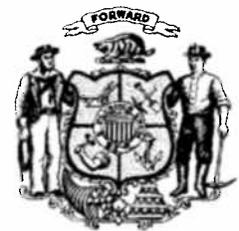
An employee who feels he or she was adversely impacted on the job by refusing to attend a “voluntary meeting” would have the recourse of applying for relief from the Employment Relations Commission, and ultimately in Circuit Court.

It is important to note that this bill would NOT prevent employers from offering these meetings before, during, or after work hours, it is clearly intended to prevent employees from having their job affected by declining to attend a non-work related meeting. This bill would protect the First Amendment right of employers to communicate, as well as the God given right of employees to not participate in those meetings.

Thank you again for this hearing on SB 585. I look forward to your support.



WISCONSIN STATE LEGISLATURE



Spencer Coggs



State Senator

Senate Bill 585
March 16, 2010
Senator Spencer Coggs

Members,

Thank you for holding this hearing on Senate Bill (SB) 585, also known as the Worker Freedom Act.

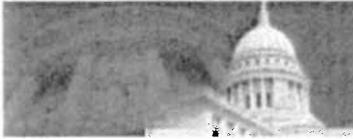
Originally, this national model legislation was drafted to prevent employers from taking punitive action against employees who did not want to attend mandatory meetings that were designed to discourage employees from organizing or joining a union.

Recently, the Oregon Legislature adopted a more expansive version of the original model legislation that includes protections from an employee being forced to attend a meeting not directly related to work matters. This legislation defines what prohibited topics are for a mandatory employee meeting, including religious, political, and community messages. Exemptions are built in for organizations whose primary purpose is religious or political.

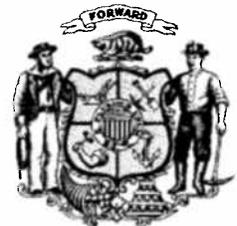
An employee who feels he or she was adversely impacted on the job by refusing to attend a “voluntary meeting” would have the recourse of applying for relief from the Employment Relations Commission, and ultimately in Circuit Court.

It is important to note that this bill would NOT prevent employers from offering these meetings before, during, or after work hours, it is clearly intended to prevent employees from having their job affected by declining to attend a non-work related meeting. This bill would protect the First Amendment right of employers to communicate, as well as the God given right of employees to not participate in those meetings.

Thank you again for this hearing on SB 585. I look forward to your support.



WISCONSIN STATE LEGISLATURE



Plotkin, Adam

From: Thomas Krukowski [TPK@kclegal.com]
Sent: Friday, March 19, 2010 2:34 PM
To: Sen.Coggs; Sen.Grothman; Sen.Lasee; Sen.Lehman; Sen.Wirch; Whitesel, Russ
Subject: [Possible SPAM] SB 585
Importance: Low

Good Afternoon,

As I told you on Tuesday when I testified at the hearing on SB 585, the proposed bill is preempted as to the subject of union activity and, as I also said, I would send a list of other states that have considered this issue. I have confirmed that Oregon (SB 519) is the only state to pass this type of law with the labor organization language. New Jersey passed a comparable law but deleted the "labor organization" language.

States that have enacted restrictions on mandatory workplace communications:**Oregon (SB 519)**

SB 519, which was enacted effective on Jan. 1, 2010, forbids mandatory communications regarding religious or political matters, including membership in or support of a labor organization

New Jersey (Conscientious Employee Protection Act)

Enacted in 2006, this Act forbids mandatory communications to employees about "political matters," including "decisions to join or not join or participate in any lawful, political, social or community organization or activity." An earlier version of the bill forbid communications regarding "labor organizations" but this language was removed prior to passage.

Below are other states that considered similar laws and why it they weren't passed

States in which such bills have been introduced but not enacted:**Colorado (HB 06-1314)**

A bill forbidding mandatory workplace communications regarding labor organizations and other matters was passed by the Colorado legislature in 2006, but vetoed by the Governor on May 26, 2006. The Governor's veto explanation included concerns about NLRB preemption.

Washington (SB 5446)

The bill was introduced in January 2009. Amendments with restrictions on communications regarding "labor or other mutual aid organizations" remain in the bill. Current status is that the bill has been reintroduced in the current session on March 15, 2010. A July 2009 opinion letter by the Washington Attorney General concluded that the bill, if enacted, would be preempted by the NLRA.

Michigan (HB 4316 and HB 4467)

Both bills would restrict mandatory workplace communications regarding labor organizations and other matters. HB 4316 passed the Michigan House in July 2007 but died in committee in the Senate. HB 4467 reintroduced the same proposed legislation and was again passed by the House in June 2009. Again, the bill remains in committee in the Senate with no action.

Connecticut (SB 365 and HB 5030)

These bills would prohibit mandatory communications regarding religious or political matters including labor organization issues. The first attempt (HB 5030) failed. The latest introduction (SB 365) passed the Senate in 2009 but was never called for a vote in the House. An opinion letter was prepared by the non-partisan Connecticut Office of Legislative Research which addressed the preemption issues without taking a position.

West Virginia (HB 2356)

This bill, which would restrict "captive audience" communications regarding labor organizations, passed the House in 2009 but then was stalled in the Judiciary Committee of the Senate, where concerns over preemption were cited.

New Hampshire (HB 254)

03/22/2010

This bill would have prohibited mandatory employer meetings regarding political, religious and union beliefs. It passed the House in 2007, stalled and was never voted on in the Senate.

I hope this information is helpful. If you would like further information, including the law, let me know. Thank you.

Tom

Thomas P. Krukowski, Esq.
Krukowski & Costello, S.C.
P.O. Box 28999
Milwaukee, WI 53228-0999
Phone: 414.423.1330
Fax: 414.423.8755
tpk@kclegal.com
www.krukowski.com

This communication contains privileged and confidential attorney/client information and legal advice from Krukowski & Costello, S.C. Client understands that there is a risk of interception of this communication; and it has consented to the transfer of this communication via e-mail. If at any time client wishes to revoke its consent to communicate via e-mail, it should promptly notify Krukowski & Costello, S.C. This communication is intended to be for the use of the individual or entity identified above. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this communication is strictly prohibited, and may constitute an invasion of privacy and/or a violation of a confidential privilege of the intended recipient. If you have received this communication in error, please notify us immediately by return e-mail and purge any record of this communication from your files as well as destroy any printed copy.

Krukowski & Costello, S.C.
P.O. Box 28999
Milwaukee, WI 53228-0999
414.423.1330

Date?

**WISCONSIN TEAMSTERS JOINT COUNCIL 39
SEQUENCE OF TESTIMONY ON SB 585**

1. **Danny L. McGowan**, Legislative Liaison for Wisconsin Teamsters Joint Council 39.
2. **Fred Gegare**, President of Wisconsin Teamsters Joint Council 39.
3. **Tom Strickland**, Business Representative for General Teamsters Local 662 in Green bay, WI. Tom will have 2-3 workers with him to describe what they experienced during an organizing effort at their workplace.
4. **Tom Kanack**, Business Representative for Teamsters Local 344 in Milwaukee, WI. Tom will have 1-2 workers with him to describe what they experienced during an organizing effort at their workplace.
5. **Tom Millanzi**, Secretary Treasurer for Teamsters Local 200 in Milwaukee, WI. Tom will have 1 worker with him to describe what he experienced during an organizing effort at his workplace.
6. **Rick Skutak**, Business Representative for General Teamsters Local 682 in Mosinee, WI. Rick will have 1 worker with him to describe what he experienced during an organizing effort at his workplace.
7. **Wes Gable**, President for Teamsters Local 43 in Racine, WI. Wes will have 1-2 workers with him to describe what they experienced during an organizing effort at their workplace.
8. **Gene Gowey**, Recording Secretary for Teamsters Local 695 in Madison, WI.

Gene will do the wrap up for the Teamsters on SB 585 after all other testimony (pro or con) has been given.

FACT SHEET ON SB 585 THE WORKER'S FREEDOM ACT

American workers shouldn't have to drop their First Amendment and privacy rights at the workplace door.

Employers have the right to express their views on all subjects including religion, politics, unions and charitable giving. But they should not be allowed to force those views on employees under threat of losing their jobs.

Wal-Mart had reportedly held mandatory meetings to "warn" employees of dire consequences if they voted for Barack Obama and Democrats in the 2008 election. An employer's position of power and influence over their employees' livelihoods makes it just plain wrong for them to force their opinions on private matters of individual conscience.

The Wisconsin State Legislature has an opportunity to fix this problem by passing the Worker's Freedom Act.

Why is the protection of worker privacy necessary?

- Current law allows employers to force workers to participate in communication, including mandatory meetings, where the employer can press their own views on religion, politics, unions and charitable giving.
- Employers use mandatory communication to intimidate and coerce employees to discourage unionization or to press particular views, as in the case of Wal-Mart. Workers can be, and are, fired or disciplined for refusing to participate in such communication.

What will the Worker's Freedom Act do?

- The Worker's Freedom Act allows workers to choose whether to participate in employer communication unrelated to job performance when that communication is about private matters of individual conscience, without any threat to their employment status.
- Workers who report or challenge such mandatory communication will be protected from retaliatory discharge or discipline.
- Workers will have a civil court remedy for violations of the Worker's Freedom Act.

What mandatory communication is permitted?

- Communication about job performance, training, and lawfully required employee action (health and safety, discrimination, etc.) is all permitted under the Worker's Freedom Act.
- Mandatory communication about religious matters by faith-based employers is permitted.

Does the Worker's Freedom Act violate the First Amendment?

- **NO.** Employers can express their views on any topic; they just can't force workers to listen. "For example, employers may conduct employee meetings, disseminate literature, or send e-mails to employees regarding their political and religious views but shall not be able to require employees to attend these meetings, or listen to, or respond to, or participate in this communication."
- With the Worker's Freedom Act, workers will be allowed to express their First Amendment right not to listen to an employer's view on private matters of individual conscience.

Is the Worker's Freedom Act preempted by the National Labor Relations Act?

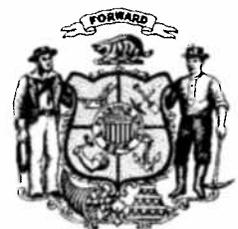
- **NO.** The U.S. Supreme Court has long recognized that states can establish minimum working conditions without interfering with federal law, e.g., minimum wage, anti-discrimination protections, health and safety regulations, etc. The Worker's Freedom Act creates a minimum privacy right that protects a worker's First Amendment rights at the workplace.
- Unlike the recent U.S. Supreme Court decision regarding a California law in *Chamber of Commerce v. Brown*, No. 06-939 (June 19, 2008), the Worker's Freedom Act does NOT stifle an employer's ability to engage in free debate in labor disputes.
- Fred Feinstein, General Counsel of the National Labor Relations Board (1994 – 1999): "I believe a state is not preempted from providing protection to employees who choose not to listen to an employer's views on unionization. Protecting employees from being compelled to listen to political speech, including views about unionization, falls within the language of *Garmon* that permits state regulation of activity touching upon 'deeply rooted local concerns.' In my view a court asked to consider the question would hold that the legislation is not preempted.
- Connecticut Attorney General Richard Blumenthal: "I have reviewed the case law regarding preemption of state laws by the National Labor Relations Act... Since state laws are presumed to be constitutional, and no cases specifically preempt captive audience state laws, the General Assembly should not withhold approval of this proposed legislation because of preemption concerns... I will vigorously defend the law against any challenge based on federal preemption."

The Worker's Freedom Act is about respect for basic rights.

- Private matters of individual conscience include who to vote for, what party to belong to, to decide whether or not to form a union, what charity to contribute to, and what faith to practice. Individuals have the right to listen or not listen to the views of others on these matters at home: this fundamental privacy right also needs protection in the workplace.



WISCONSIN STATE LEGISLATURE



Dat?

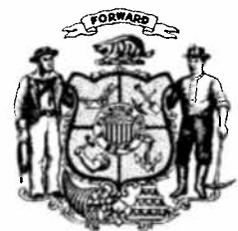
Thank you Mr. Chairman and members of this committee, for this opportunity to speak on behalf of Senate Bill 585. My name is Charles Yauch. I'm currently employed at Cedar Crest Ice Cream in Manitowoc, Wisconsin. Approximately one year ago, my co workers and I met to discuss the possibility of joining the Union. We contacted Teamsters Local 662. After meeting with Business agents Tom Strickland and Beth Kirchman, we decided to move forward with an organizing Campaign. Within several weeks, 19 of the 23 employees chose to be represented by the Teamsters Union. Then about two weeks before the election, the Company started holding **Mandatory Captive Audience Meetings** with all employees, and, also met with employees individually. In these **Mandatory Captive Audience Meetings** the Company told us that by joining the Union, people would lose their jobs and they possibly would seize operations at the Manitowoc plant.

Unfortunately, after these **Mandatory Captive Audience Meetings** the majority of my co workers voted against having Union representation. This decision was made not because we didn't want to be represented, but, because we were fearful of losing our job. There is no doubt that if these meetings were not held, we would have representation today. Therefore, I ask for your support to pass Senate Bill 585.

Charles Yauch Jr



WISCONSIN STATE LEGISLATURE



Date?

Tom Kanack, Teamsters Local 344, Milwaukee, WI

I am here today to speak in support of SB-585 on behalf of Teamsters Local 344 and Teamsters J.C. No. 39.

I have been a Teamster member since July of 1979 and I've been employed by Local 344 since June of 1999. Throughout my career I've been the lead-organizer on many organizing efforts mostly in Milwaukee and contiguous Counties.

Some examples are:

- Alderwoods Arlington Park
- Alpha Baking Company
- Aramark Uniform
- Baptista Bakery
- Beachwood Distributors
- Chas. Levy Circulating
- Crothall Linen
- Data Monitor Systems
- G&K Uniforms
- Jays Foods
- Sheehy Mail Service
- Speedy Delivery
- UPC Heath Network
- URSA Logistics
- US Refresh Vending
- WI Memorial Park
- Frito-Lay Inc. (decertification)

Every case I just referenced has one thing in common; the Employers used and abused captive audience meetings to deny the workers their right to organize under the Law.

During these mandatory captive audience meetings employers make direct or indirect threats such as; the company will close should the workers unionize; you'll lose wages and benefits; you'll bargain from scratch; or the Employer will imply that it will not ever agree to a union contract.

In addition, most employers knowingly give false information to the workers about strikes and union dues.

Many Employers will make false promises to the workers implying improved wages hours and working conditions should the Union be defeated.

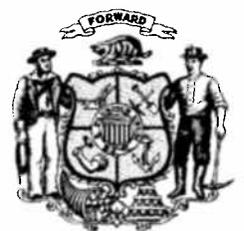
The playing field is not level as the Union does not have access to these mandatory captive audience meetings and the workers that support the Union are not allowed any rebuttal.

With me today I have a couple workers from union organizing efforts and colleges for Local 344

Thank you, for listening to me concerning this very important legislation.



WISCONSIN STATE LEGISLATURE



Date?

Senate Bill 585

AN ACT *to amend* 111.31 (1), 111.31 (2), 111.31 (3), 111.321 and 111.322 (intro.); and *to create* 111.32 (2r), 111.32 (12j), 111.32 (12p) and 111.365 of the statutes; **relating to:** prohibiting discrimination against an employee who declines to attend an employer-sponsored meeting or to participate in any communication with the employer or with an agent, representative, or designee of the employer, the primary purpose of which is to communicate the opinion of the employer about religious or political matters.

My comments are limited to a discussion regarding the bill's attempt to regulate employer-employee speech and meetings regarding union activity.

This provision is clearly pre-empted by federal law, specifically, the National Labor Relations Act, which is administered by the National Labor Relations Board.

The seminal case on this issue is Building Trades Council v. Gorman, 359 U.S. 236 (1959):

- Primary jurisdiction in regulating union communication matters is clearly with the NLRA and NLRB.
- The federal law intentionally regulates the communications between employees and employers regarding union activities.

Wisconsin is no stranger to our state laws being pre-empted by federal law:

1. Briggs & Stratton v. Wis. Employee Relations Board (WERC) 326 U.S. 245 (1949) later reversed by Machinists Lodge 76 v. WERC 427 U.S. 132 (1976) (refusal to work overtime; no state government right to regulate).
2. Gould v. Wis. Department of Industry and Labor (repeat violators of the NLRB—state procurement contract remedy), 475 U.S. 282 (1986).
3. Allis-Chalmers Corp. v. Lueck, 471 U.S. 202 (1985) (contract/CBA: tort bad faith).

Touchstone is conflict, actual or potential, between federal and state laws—system of regulating behavior in labor activities (exceptions are picketing, trespass, violence are state interest) superseded by Congressional Act if conduct is arguably within the compass of §7 and §8 of the Act the state jurisdiction is displaced because it interferes with the shaping and uniform national labor policy.

Here's where we start: the NLRA itself, §8 (c). §8 (c) allows the employer to communicate with its employees:

“The expressing of any views, argument, or opinion, or the dissemination thereof, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under any of the provisions of this Act, if such expression contains no threat of reprisal or force or promise of benefit.”

Then, captive-audience speeches, conferences and interviews are specifically protected by §8 (c):

1. Nutone Inc., 357 U.S. 357 (1958). Pre-election speech on company premises and company time.
2. Current rule of the NLRB written in Peerless Plywood, 107 NLRB 427 (1953). Captive-audience speeches to mass groups of employees during the 24 hours preceding an election is allowed. The Peerless case also stands for the proposition that attendance at a voluntary meeting within the 24 hour period does not violate the captive-audience rule.

CONCLUSION

The bill is pre-empted because it makes it discriminatory for an employer as “political matter means...attempt to influence...support or not support... for a labor organization.”

If enacted, why should an employer have to go through litigation and the cost of litigation, to have the state law pre-empted?

Employee files a complaint:

1. ERD investigation
2. LIRC decrees
3. Court review
4. Or, under 42 U.S.C. § 1983, threat of prosecution seeks pre-emption finding.

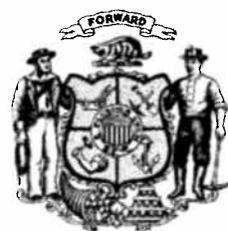
This would be unnecessary costs.

Thank you.

#133163



WISCONSIN STATE LEGISLATURE



SB 585? Date?

Thank you Mr. Chairman, and committee members

My name is Chad Peters I live in Suamico, Wisconsin I've worked for G& K Services for the last 7 years. I'm a husband and a father of two daughters.

My tenor as an employee has been outstanding with this Company I have received numerous services awards and have never been reprimanded by the Company, until recently. On December 23, 2009 I contacted Teamsters Local 662 in Green bay and spoke with Business agent Tom Strickland.

Where we set a date to meet on December 28, 2009. Me and several of my co-workers meet with Tom Strickland and discussed joining the Union. We then set up another meeting on January 5th 2010. At this meeting one of my co workers were opposed to joining the Union. The following day this individual reported me to the Company as to being the Union ring leader which resulted in my termination from the Company **that day**. Since then the Union has filed charges through the National Labor Relations Board.

The Company then held numerous captive audiences meeting which has resulted in the employees fearing for their jobs and putting the organizing campaign on ice. At these meeting the Company has told the Employees, my **ex-coworkers** that joining the Union is not an option and that these types of meeting would continue which would include watching anti union videos.

Once again my **ex co- workers** are in fear of losing their jobs due to the

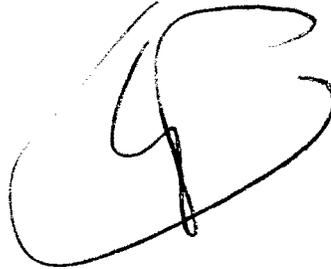
Companies aggressive stance in their Captive audience meeting and the
Termination of my employment.

Is this not my right as an American citizen to self organize and belong to a
labor organization without fear of retaliation from my employer?

In closing this action by the Company has caused great hardship financially
and mentally on my Wife, Children and myself. Therefore, I encourage you
to support Senate Bill 585.

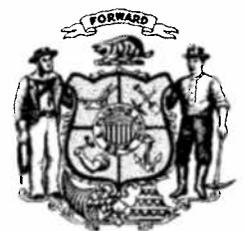
Sincerely,

Chad Peters
2061 Carlen Ct.
Suamico, Wisconsin 54173

A handwritten signature in black ink, appearing to be 'CP' or similar initials, enclosed within a large, loopy, handwritten outline.



WISCONSIN STATE LEGISLATURE



SB 585? Date?

Thank you Mr. Chairman and committee members, for this opportunity to speak in front of you today. My name is Kelly Maloney I'm a husband and father of three. As a father I teach my children the importance of being respectful and not to be a bully. Unfortunately this did not occur in my case. I also was an employee of G& K services and seeking representation from Teamster Local Union No. 662. The week following Chad's termination the demeanor of the group changed. The guys were fearful for their jobs including myself. The Company then brought in corporate management and held a **Mandatory Captive Audience Meeting** the only purpose of this meeting was to discuss Union activities and try to detour the group from joining the Union. The following day I was put on unpaid administrative leave. And then was terminated two weeks later. I believed the termination of my employment was used as an example to scare my Co Workers from joining the Union. To this day I still keep in contact with my ex-co workers and it is my understanding that the Company is still holding **Mandatory Captive Audience Meeting** where they bring in a Union Busters to speak to the group. It is my experience that most work places have policies which protect workers from being bullied, intimidated or harassed in the work place. Unfortunately this was not practiced by G & K in their **Mandatory Captive Audience Meetings.**

I thought this was my right to self organize without the company interfering, restrain or coerce me for wanting to join a labor organization. In closing these actions by the Company has caused great hardship on my wife, children and myself. Therefore I encourage you to support S.B. 585.

Senate Bill

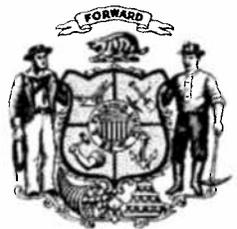
Sincerely,

A handwritten signature in cursive script that reads "Kelly Maloney".

Kelly Maloney
W. 266 Deer Dr.
Pulaski, WI. 54162



WISCONSIN STATE LEGISLATURE



- ▶ Home
- ▶ Lobbying in Wisconsin
- ▶ Organizations employing lobbyists
- ▶ Lobbyists

Presented by the Wisconsin
Government Accountability Board

as of Thursday, March 11, 2010

2009-2010 legislative session
Legislative bills and resolutions

(search for another legislative bill or resolution at the bottom of this page)

Senate Bill 585

prohibiting discrimination against an employee who declines to attend an employer-sponsored meeting or to participate in any communication with the employer or with an agent, representative, or designee of the employer, the primary purpose of which is to communicate the opinion of the employer about religious or political matters

<p>TEXT sponsors LRB analysis</p>	<p>STATUS committee actions and votes text of amendments</p>	<p>COST & HOURS of lobbying efforts directed at this proposal</p>
--	---	--

Organization		These organizations have reported lobbying on this proposal:	Place pointer on icon to display comments, click icon to display prior comments		
Profile	Interests		Date Notified	Position	Comments
●	●	Brotherhood of Maintenance of Way Employees Division, IBT	3/6/2010	↑	
●	●	Wisconsin Manufacturers & Commerce	3/5/2010	↓	
●	●	Wisconsin Teamsters Joint Council 39	3/4/2010	↑	

Select a legislative proposal and click "go"

House Assembly
Senate

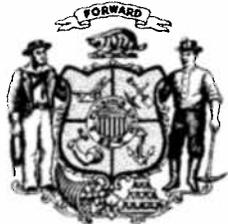
Proposal Type Bill
Joint Resolution
Resolution

Proposal Number (enter proposal number)

Legislative Session 2009 Regular Session ▼



WISCONSIN STATE LEGISLATURE



LEVA Exec + Hearing

Tue. Mar. 16, 2010

EXEC

SB 585

AB 560
AB 567
SB 522 } nothing

SB 479 - Grothman explains amendment
Rush explains more
SC asks ?'s

SB 440 - Rush describes both amendments

HEARING

SB 585

SC & Rep. Van Arman

- SC reads written testimony
- TVA brief remarks
- 6:50 on preemption
 - Rush answers that it's hard to predict
- Danny McGowan
 - no written testimony
- John Metcalf & Jonathan Swain
 - mixed mix of Swain's verbal testimony

①

SB545 cont.

- BW? on balance of fairness in speech
 - doesn't matter what we think, it's Congress' decision
- SC? on state law interaction w/ federal law
 - Run's - hard to say what might happen
- BW? - we're not constitutional experts, we're here to address concerns in our districts
- GG? - any employee ever won on this?
 - most recent case he could find was from '60's
- Fred Begare
 - no written testimony
 - responds to Jonathan Swain comments
 - SC story on machinist job he had
- Tom Brickland
 - has written testimony + 2 guys w/ stories on organizing
- Chad Peters
 - story on organizing
- Kelly Maloney
 - story on organizing
- Charles?
- Tom Karack - brings people
 - Jim Dillon
 - Paul Brzezinski - "captive audience meetings"
 - Patrick Puffer
- Tom Mallarzi - brings guy
 - Ron Falkowski

(2)

SB585 cont.

- Wesley Gable - brings two people
 - Debra Christensen
 - Christine Ballawski
- David Boetcher
 - diminishes pre-emption argument
 - emphasizes trend setting nationwide
 - not regulation on employer free speech, regulation on right of employee to be in room
- John Huebscher
 - affirms right to religious freedom
 - might want language clarifying
- Tom Krukowski
 - south side MKE atty.
 - talking about NLRB preemption
 - bow tie guy
 - we're in the wrong forum, should be national debate
 - management labor lawyer
- Dave Vandenberg
 - Sheetmetal Workers Local 18
 - has mostly off the cuff remarks in response to other comments
- Vungie Moreno
 - Among workers in Waldo, WI cheese shop
- Gene Gasey
 - wishes NLRB didn't exist
 - memories of people who have died in labor movement
 - interesting that NLRB didn't show up



WISCONSIN STATE LEGISLATURE



Found in SB 585 folder.

WORKERS FREEDOM ACT
TALKING POINTS
2/18/2010

The State of Oregon passed SB 519 last summer by a vote of 34 to 24 and was signed into law by the Governor.

SB 519 is known as the WORKERS FREEDOM ACT and basically protects workers in "captive audience meetings" who do not wish to listen to their employer's non-work related opinions on religion, politics or Unions.

According to American Rights at Work 91% of employers force employees to attend anti-union meetings with their supervisors.

Employers and/or their Union busting attorneys spew their anti-union venom and threaten employees with plant closings, loss of jobs and benefits if they form a union.

Unions do not have the ability force employees to attend meetings during an organizing campaign and neither should employers.

Employees have a right to make an informed decision on whether to form a Union or not.

Employees have a right to voluntarily listen to any presentation from a Union or an Employer if they choose to.

Just because employees are on the clock does not mean that they should be forced to listen to anti-union tactics that include threats and intimidation and lies

This bill does not only address anti-union meetings it also applies to any meetings that are not work related such as religious or political.

This is a situation that needs to be corrected now.

Oregon had the wisdom to pass a WORKERS FREEDOM ACT and Wisconsin needs to do the same.

I urge you to sign on to this bill as a co-sponsor and do your best to see that it gets to a vote , passed and signed into law by the Governor this Legislative session.