

REGULAR CALENDAR

February 16, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Labor, Industrial and Rehabilitative Services to which was referred CACR 14,

AN ACT relating to unions. Providing that all workers have the right to join a union. Having considered the same, report the same with the following resolution:

RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Leonard Turcotte

FOR THE MAJORITY OF THE COMMITTEE

Original: House Clerk

Cc: Committee Bill File

**MAJORITY
COMMITTEE REPORT**

| | |
|-------------------|---|
| Committee: | Labor, Industrial and Rehabilitative Services |
| Bill Number: | CACR 14 |
| Title: | relating to unions. Providing that all workers have the right to join a union. |
| Date: | February 16, 2022 |
| Consent Calendar: | REGULAR |
| Recommendation: | INEXPEDIENT TO LEGISLATE |

STATEMENT OF INTENT

CACR 14 would require a proposed constitutional amendment be placed on the ballot requiring that "All workers within this state shall have the right to join a union." The proposed change is both confusing and unnecessary. First, the wording would imply that anyone would have the right to join any union of their choosing, regardless of where they work or even if they worked where there is no union representation. Could one demand entry into the Teamsters while working at Dunkin' Donuts? Secondly, the sponsor was unable to provide a single example of an individual being denied entry into a union at a company where a union currently represents employees.

Vote 12-9.

Rep. Leonard Turcotte
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Labor, Industrial and Rehabilitative Services

CACR 14, relating to unions. Providing that all workers have the right to join a union. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Leonard Turcotte for the **Majority** of Labor, Industrial and Rehabilitative Services. CACR 14 would require a proposed constitutional amendment be placed on the ballot requiring that "All workers within this state shall have the right to join a union." The proposed change is both confusing and unnecessary. First, the wording would imply that anyone would have the right to join any union of their choosing, regardless of where they work or even if they worked where there is no union representation. Could one demand entry into the Teamsters while working at Dunkin' Donuts? Secondly, the sponsor was unable to provide a single example of an individual being denied entry into a union at a company where a union currently represents employees. **Vote 12-9.**

Original: House Clerk

Cc: Committee Bill File

REGULAR CALENDAR

February 16, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Labor, Industrial and Rehabilitative Services to which was referred CACR 14,

AN ACT relating to unions. Providing that all workers have the right to join a union. Having considered the same, and being unable to agree with the Majority, report with the recommendation that the bill OUGHT TO PASS.

Rep. Donald Bouchard

FOR THE MINORITY OF THE COMMITTEE

**MINORITY
COMMITTEE REPORT**

| | |
|--------------------------|---|
| Committee: | Labor, Industrial and Rehabilitative Services |
| Bill Number: | CACR 14 |
| Title: | relating to unions. Providing that all workers have the right to join a union. |
| Date: | February 16, 2022 |
| Consent Calendar: | REGULAR |
| Recommendation: | OUGHT TO PASS |

STATEMENT OF INTENT

The minority of the committee support the amendment to the constitution because it will ensure forever the collective rights that are necessary to protect our individual rights. The right to form a collective union will facilitate and enhance the ability of its members to exercise core civil liberties, such as the rights of association, speech, and petition. This amendment will protect the rights of individuals forever to come together over issues of mutual interest, protect the right to communicate forever with co-workers about workplace concerns that come from the statutory right to join a union and bargain collectively, as well as defend the rights of union members forever, including by lobbying the government to defend the interests of the overall membership and by going to court to protect the rights of individual members. The minority of the committee feel that this amendment will end anti-union crusades in New Hampshire forever.

Rep. Donald Bouchard
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

CACR 14 - Minority

The minority of the committee support the amendment to the constitution because it will ensure forever the collective rights that are necessary to protect our individual rights. The right to form a collective union which will facilitate and enhance the ability to their members to exercise core civil liberties, such as the rights of association, speech, and petition. This amendment will protect the rights of individual forever to come together over issues of mutual interest, to protect the right to communicate forever with co-workers about workplace concerns that come from the statutory right to join a union and bargain collectively, as well as defending the rights of their members forever, including by lobbying the government to defend the interests of the overall membership and by going to court to protect the rights of individual members. The minority of the committee feel that this amendment will end anti-union crusades in New Hampshire forever.

Donald Bouchard

REGULAR CALENDAR

Labor, Industrial and Rehabilitative Services

CACR 14, relating to unions. Providing that all workers have the right to join a union. **OUGHT TO PASS.**

Rep. Donald Bouchard for the **Minority** of Labor, Industrial and Rehabilitative Services. The minority of the committee support the amendment to the constitution because it will ensure forever the collective rights that are necessary to protect our individual rights. The right to form a collective union will facilitate and enhance the ability of its members to exercise core civil liberties, such as the rights of association, speech, and petition. This amendment will protect the rights of individuals forever to come together over issues of mutual interest, protect the right to communicate forever with co-workers about workplace concerns that come from the statutory right to join a union and bargain collectively, as well as defend the rights of union members forever, including by lobbying the government to defend the interests of the overall membership and by going to court to protect the rights of individual members. The minority of the committee feel that this amendment will end anti-union crusades in New Hampshire forever.

Original: House Clerk

Cc: Committee Bill File

was unable to provide a single example of an individual being denied entry into a union at a company where a union currently represents employees. The majority of the committee recommends inexpedient to legislate.

Heather Goley

From: Will Infantine <will.infantine@optisure.com>
Sent: Tuesday, February 15, 2022 10:20 PM
To: Heather Goley
Subject: FW: CACR14 Blurb



Will Infantine
Managing Director
Aspen Insurance Agency

T: 603-296-0358
F: 603-647-0330

40 Stark St, Manchester, NH 03101
www.optisure.com will.infantine@optisure.com

Please remember we cannot bind or change coverage via email. This email message and any attachments are confidential. If you are not the intended recipient, please immediately reply to the sender and delete the message from your email system. For your protection, please note insurance coverage cannot be bound or changed via voice mail, email, fax or online via our website, and is not effective until confirmed directly with a licensed agent. In addition, the sender does not intend that this email, including any related emails, to be a transaction or transactions by electronic means subject to the Massachusetts Uniform Electronic Transactions Act or any such similar act or law, unless expressly stated otherwise in the body of the email by the sender.

-----Original Message-----

From: lenturcotte@metrocast.net <lenturcotte@metrocast.net>
Sent: Friday, February 4, 2022 4:09 PM
To: Will Infantine <will.infantine@optisure.com>; lenturcotte@metrocast.net
Subject: CACR14 Blurb

****CAUTION: External Message. Do not click links or open attachments unless you recognize the sender and know the content is safe. If you suspect the email is suspicious, please contact IT****

CACR 14 would require a proposed constitutional amendment be placed on the ballot requiring that "All workers within this state shall have the right to join a union". The proposed change is both confusing and unnecessary. First, the wording would imply that anyone would have the right to join any union of their choosing, regardless of where they work or even if they worked where there is no union representation. Could one demand entry into the Teamsters while working at Dunkin Donuts? Secondly, the sponsor

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

EXECUTIVE SESSION on CACR 14

BILL TITLE: relating to unions. Providing that all workers have the right to join a union.

DATE: February 3, 2022

LOB ROOM: 305 - 307

MOTIONS: **INEXPEDIENT TO LEGISLATE**

Moved by Rep. Turcotte

Seconded by Rep. Avellani

Vote: 12-9

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Jonathan Mackie, Clerk

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

EXECUTIVE SESSION on CACR 14

BILL TITLE: relating to unions. Providing that all workers have the right to join a union.

DATE: 2/3/22

LOB ROOM: 303-307

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year) (if offered)

Moved by Rep. Turcotte Seconded by Rep. Avellan Vote: 12-9

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: _____ YES NO

Minority Report? Yes _____ No If yes, author, Rep: Burdick Motion OTP

Respectfully submitted: [Signature]
Rep Jonathan Mackie, Clerk



2/2/2022 1:56:51 PM
Roll Call Committee Registers
Report

2022 SESSION

Labor, Industrial and Rehabilitative Services

Bill #: CACR 14 Motion: ITL AM #: _____ Exec Session Date: 2/3/22

| <u>Members</u> | <u>YEAS</u> | <u>Nays</u> | <u>NV</u> |
|--------------------------------------|-------------|-------------|-----------|
| Infantine, William J. Chairman | ✓ | | |
| Seaworth, Brian Vice Chairman | ✓ | | |
| Avellani, Lino M. | ✓ | | |
| Callum, John M. | ✓ | | |
| Mackie, Jonathan D. Clerk | ✓ | | |
| Love, David C. | ✓ | | |
| Warden, Mark | ✓ | | |
| Turcotte, Leonard P. | ✓ | | |
| Prout, Andrew J. | ✓ | | |
| Boyd, Stephen E. | ✓ | | |
| Hough, Gregg | ✓ | | |
| Sullivan, Brian M. | | ✓ | |
| Soucy, Timothy A. | | ✓ | |
| Baroody, Benjamin C. <u>Pimentel</u> | | ✓ | |
| Cahill, Michael D. | ✓ | | |
| DiSilvestro, Linda A. | | ✓ | |
| Schmidt, Janice E. | | ✓ | |
| Toomey, Dan | | ✓ | |
| Bouchard, Donald J. | | ✓ | |
| Adjutant, Joshua | | ✓ | |
| Maneval, Andrew | | ✓ | |

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

PUBLIC HEARING ON

BILL TITLE: CACR 14 Relating to unions. Providing that all workers have the right to
join a union.

DATE: 1/13/22

ROOM: 305-307

Time Public Hearing Called to Order: 10:05

Time Adjourned: 10:11

(Members high-lighted in red were absent)

Committee Members: Reps. Infantine, Seaworth, Mackie, Avellani, Callum, Nunez, Warden, Turcotte,
Prout, Boyd, Hough, Sullivan, Soucy, Baroody, Cahill, DiSilvestro, J. Schmidt, Toomey, Bouchard,
Adjutant and Maneval

Bill Sponsors: Rep. LaBranche, Rep. Gallagher, Rep. Bouchard, Rep. Grassie, Rep. Frost, Rep. Laughton,
Rep. Petrigno

TESTIMONY

*Use asterisk if written testimony and/or amendments are submitted.

Rep. LaBranche introduced the proposed CACR 14. He stated that this was to make the right to join a union a constitutional right. By doing this it would be more difficult for legislation to adversely affect that right.

Rep. Hough asked if any RSA prohibited unions.

Rep. Labranche said no.

Rep Turcotte asked if there was a definition of union.

Rep. Labranche stated there was in federal law.

Rep Cahill asked if this would do away with the yearly introduction of right to work legislation.

Rep. Labranche said no

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

PUBLIC HEARING ON CACR 14

BILL TITLE: relating to unions. Providing that all workers have the right to join a union.

DATE: January 13, 2022

LOB ROOM: 305 - 307

Time Public Hearing Called to Order: 10:05 a.m.

Time Adjourned: 10:11 a.m.

Committee Members: Reps. Infantine, Mackie, Avellani, Callum, Warden, Turcotte, S. Boyd, Hough, Sullivan, Cahill, DiSilvestro, Toomey, Bouchard, Adjutant and Maneval

Bill Sponsors:

Rep. Labranche

Rep. Gallagher

Rep. Bouchard

Rep. Grassie

Rep. Frost

Rep. Laughton

Rep. Petrigno

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

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Rep Cahill asked if this would do away with the yearly introduction of right to work legislation.

Rep. Labranche said no

Respectfully submitted,

Rep. Jonathan D. Mackie

Clerk

House Remote Testify

Labor, Industrial and Rehabilitative Services Committee Testify List for Bill CACR14 on 2022-01-13

Support: 6 Oppose: 4 Neutral: 0 Total to Testify: 0

[Export to Excel](#)

| <u>Name</u> | <u>City, State Email Address</u> | <u>Title</u> | <u>Representing</u> | <u>Position</u> | <u>Testifying</u> | <u>Non-Germane</u> | <u>Signed Up</u> |
|---------------------|---|------------------------|---|-----------------|-------------------|--------------------|--------------------|
| Kudlik, Cindy | Grafton, NH CindyKudlik@protonmail.com | An Elected Official | Myself | Oppose | No | No | 1/9/2022 2:15 AM |
| Howland, Curtis | Manchester, NH howland@priss.com | A Member of the Public | Myself | Oppose | No | No | 1/10/2022 1:29 PM |
| Meuse, David | Portsmouth, NH David.Meuse@leg.state.nh.us | An Elected Official | Rockingham 29 | Support | No | No | 1/11/2022 8:07 AM |
| Pray, D. | Amherst, NH dapsrp@gmail.com | A Member of the Public | Myself | Oppose | No | No | 1/11/2022 4:26 PM |
| Malmberg, Jane | Walpole, NH jamalmberg033@gmail.com | A Member of the Public | Myself | Support | No | No | 1/12/2022 12:48 PM |
| Hodgkins, Russell | Amherst, NH hodgkins_russ@yahoo.com | A Member of the Public | Myself | Oppose | No | No | 1/12/2022 4:47 PM |
| McGurn, Paul | Derry, NH paul.mcgurn@gmail.com | A Member of the Public | Myself | Support | No | No | 1/12/2022 6:33 PM |
| Brackett, Glenn | Hooksett, NH communications@nhaficio.org | A Lobbyist | NH AFL-CIO | Support | No | No | 1/13/2022 9:31 AM |
| Ryll, Brian | Concord, NH brian@pffnh.org | A Lobbyist | Professional Fire Fighters of New Hampshire | Support | No | No | 1/13/2022 10:29 AM |
| Mott-Smith, Wiltrud | Loudon, NH wmottsm@worldpath.net | A Member of the Public | Myself | Support | No | No | 1/13/2022 11:11 AM |

House Remote Testify

Labor, Industrial and Rehabilitative Services Committee Testify List for Bill CACR14 on 2022-01-13

Export to Excel

| <u>Name</u> | <u>City, State</u> <u>Email Address</u> | <u>Title</u> | <u>Representing</u> | <u>Position</u> | <u>Testifying</u> | <u>Non-Germane</u> | <u>Signed Up</u> |
|---------------------|---|------------------------|---|-----------------|-------------------|--------------------|--------------------|
| Kudlik, Cindy | Grafton, NH CindyKudlik@protonmail.com | An Elected Official | Myself | Oppose | No | No | 1/9/2022 2:15 AM |
| Howland, Curtis | Manchester, NH howland@priss.com | A Member of the Public | Myself | Oppose | No | No | 1/10/2022 1:29 PM |
| Meuse, David | Portsmouth, NH David.Meuse@leg.state.nh.us | An Elected Official | Rockingham 29 | Support | No | No | 1/11/2022 8:07 AM |
| Pray, D. | Amherst, NH dapsrp@gmail.com | A Member of the Public | Myself | Oppose | No | No | 1/11/2022 4:26 PM |
| Malmberg, Jane | Walpole, NH jamalmberg033@gmail.com | A Member of the Public | Myself | Support | No | No | 1/12/2022 12:48 PM |
| Hodgkins, Russell | Amherst, NH hodgkins_russ@yahoo.com | A Member of the Public | Myself | Oppose | No | No | 1/12/2022 4:47 PM |
| McGurn, Paul | Derry, NH paul.mcgurn@gmail.com | A Member of the Public | Myself | Support | No | No | 1/12/2022 6:33 PM |
| Brackett, Glenn | Hooksett, NH communications@nhaficio.org | A Lobbyist | NH AFL-CIO | Support | No | No | 1/13/2022 9:31 AM |
| Ryll, Brian | Concord, NH brian@pffnh.org | A Lobbyist | Professional Fire Fighters of New Hampshire | Support | No | No | 1/13/2022 10:29 AM |
| Mott-Smith, Wiltrud | Loudon, NH wmottsm@worldpath.net | A Member of the Public | Myself | Support | No | No | 1/13/2022 11:11 AM |

HB1351 prohibiting certain employers from requiring a COVID-19 vaccination as a condition of employment.

I OPPOSE this bill. The legislature has spent an inordinate amount of time proposing and debating bills that have a very narrow focus. Are all employers prohibited from requiring any vaccination as condition of employment or will we see a never ending stream of similar legislation for for other vaccinations?

New Hampshire law He-P 301.13-15 requires that all children enrolled in any school, pre-school, or child care have certain immunizations to protect them and those around them from vaccine preventable diseases. So there is a precedent in NH to require vaccinations for the collective good. If HB1351 passes, will it be the beginning of dismantling of RSA 301.13-15?

--

HB1385 prohibiting the use of credit history in employment decisions.

I SUPPORT this bill. Unless the job involves financial management or responsibility, credit history does not provide any meaningful information in employment decisions. I would like to see this bill amended to include a clause that provides similar access to HB 1156 to require that any potential employee who is subject to a credit history investigation receive a copy of the investigation report.

--

HB1386 establishing a committee to study the effects of heat and high temperature on employee working conditions.

I am NEUTRAL on this bill.

Heather Goley

From: Patti Anastasia <patti.anastasia@gmail.com>
Sent: Wednesday, January 26, 2022 3:00 PM
To: ~House Labor, Industrial and Rehabilitative Services
Cc: Al Baldasaro; Betsy McKinney; Doug Thomas; Wayne MacDonald; David Lundgren; Sherman Packard; Tom Dolan
Subject: Testimony for Thursday Jan 27 Committee Meeting hearing

From: Patricia Anastasia, 50 Holstein Ave, Londonderry, NH

To: House Labor, Industrial, and Rehabilitative Service Committee

Dear Committee members,

The House Calendar is not permitting me to record my testimony on bills to be heard by your committee on Thursday 1/27. The remote sign-in button is not available on the page.

Here is my testimony for your committee hearing. Thank you for your consideration of my testimony.

--
CACR14 relating to unions. Providing that all workers have the right to join a union.

I am NEUTRAL on CACR14

--
HB1053 relative to the hourly rate paid to an employee for hours worked but not previously scheduled.

I SUPPORT this bill. We need to support our hourly wage workers. R

--
HB1156 requiring certain public servants to receive a copy of a pre-employment background investigation.

I SUPPORT this bill. Denying potential employees who are subject to investigations means that they cannot address any issue and/or mistakes in the investigation. This bill is about transparency.

--
HB1207 requiring an employer to provide paid time off for an employee to vote.

I SUPPORT this bill. We should be doing everything we can to encourage every eligible voter to vote. Many employees currently do not have the freedom of being able to adjust their schedules to allow them time to vote while meeting other important family commitments.

--
HB1231 relative to failure to make payment of compensation.

I SUPPORT this bill. Delays in worker's compensation put heavy burdens on people who are not able to work because of a workplace injury. It is imperative to resolve these cases in a timely manner.

--

CACR 14 - AS INTRODUCED

2022 SESSION

22-2189
07/10

CONSTITUTIONAL AMENDMENT
CONCURRENT RESOLUTION **14**

RELATING TO: unions.

PROVIDING THAT: all workers have the right to join a union.

SPONSORS: Rep. Labranche, Hills. 22; Rep. Gallager, Merr. 15; Rep. Bouchard, Hills. 11;
Rep. Grassie, Straf. 11; Rep. Frost, Straf. 16; Rep. Laughton, Hills. 31; Rep.
Petrigno, Hills. 23

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This constitutional amendment concurrent resolution establishes the right for workers to join a union in the state of New Hampshire.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

CONCURRENT RESOLUTION PROPOSING CONSTITUTIONAL AMENDMENT

RELATING TO: unions.

PROVIDING THAT: all workers have the right to join a union.

Be it Resolved by the House of Representatives, the Senate concurring, that the Constitution of New Hampshire be amended as follows:

1 I. That the first part of the constitution be amended by inserting after article 2-b the
2 following new article:

3 [Art.] 2-c. [Right to Unionize.] All workers within this state shall have the right to join a union.

4 II. That the above amendment proposed to the constitution be submitted to the qualified
5 voters of the state at the state general election to be held in November, 2022.

6 III. That the selectmen of all towns, cities, wards and places in the state are directed to
7 insert in their warrants for the said 2022 election an article to the following effect: To decide
8 whether the amendments of the constitution proposed by the 2022 session of the general court shall
9 be approved.

10 IV. That the wording of the question put to the qualified voters shall be:
11 "Are you in favor of amending the first part of the constitution by inserting after article 2-b a new
12 article to read as follows:

13 [Art.] 2-c. [Right to Unionize.] All workers within this state shall have the right to join a union."

14 V. That the secretary of state shall print the question to be submitted on a separate ballot or
15 on the same ballot with other constitutional questions. The ballot containing the question shall
16 include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in
17 either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall
18 be the same as the regular official ballot except that the words "Questions Relating to Constitutional
19 Amendments proposed by the 2022 General Court" shall be printed in bold type at the top of the
20 ballot.

21 VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it
22 becomes effective when the governor proclaims its adoption.

23 VII. Voters' Guide.

24 AT THE PRESENT TIME, the New Hampshire constitution does not provide
25 workers the right to join a union.

26 IF THE AMENDMENT IS ADOPTED, the New Hampshire constitution will provide
27 workers with the right to join a union.

Hello Members of the House Labor, Industrial, and Rehabilitative Services
Committee,

My name is Representative Tony Labranche and I represent Amherst, NH. I
come before you today to introduce CACR 14. CACR 14 is a simple
constitutional amendment that would add the right to unionize to our State
Constitution, therefore giving it the status of a fundamental right. Currently the
right to unionize and to join a union is governed and protected by the National
Labor Relations Act of 1935. Although this is a simple act of congress that could
be repealed at any moment. This amendment would strengthen this right and
make it a fundamental right therefore being much harder to revoke. Unions are
what built the American middle class and since their decline in the 1980s we
have seen rising inequality and an associated decline in the American middle
class. Unions are currently under attack in this country with so called "Right to
Work" laws, which is just a fun way of saying Union Busting, being passed
around the country. We must turn the tide and protect this fundamental human
right.

With that I ask the committee to pass this bill with an OTP motion.

Respectfully Submitted,

Rep. Tony Labranche

Amherst, NH