



September 2, 2009

Hon. Jerry Brown
California Attorney General
1300 I Street, Suite 1740
Sacramento, CA 95814

Via facsimile and e-mail

Dear Attorney General Brown,

We write to request that you investigate actions by health insurance companies Anthem/Wellpoint and United Healthcare that may violate the right of employees in California to be free of political pressure by employers. Both companies are urging their employees to lobby members of Congress with corporate assistance, including talking points and even the placing of phone calls for the employees. We believe that such individual political persuasion by an employer amounts to illegal coercion under the California Labor Code.

- United Healthcare has sent a general letter to employees, asking them to contact members of Congress to urge weakening of health care reforms. The letter contains this language:

“As part of our effort to educate and assist you in your efforts to communicate your view to your elected officials, YOU MAY BE CONTACTED during business hours by a member of the United for Health Reform advocacy team.”

This undefined political relations team will show employees how to “contact Congress by writing a personal letter, being connected directly to their lawmakers’ offices and learning more about town hall events that may be taking place locally.”

The letter, dated Aug. 13, is attached.

- Anthem/Wellpoint sent what appears to be an undated general employee e-mail carrying the Anthem logo. The e-mail urges employees to “make your voice heard” by visiting a “grassroots website,” the Wellpoint Health Action Network, “to assist you with contacting your elected officials... about this important issue.”

The message, by claiming that “tens of millions of Americans” would lose private insurance coverage and “end up in a government-run plan,” also implies that employees would lose their jobs if proposed national reforms are passed.

A print copy of the e-mail is attached. It is viewable with its internal links at:

<http://view.email.anthem.com/?j=fe5816707c6203787217&m=fef2117472610c&ls=fdf713777d64057b75117477&l=fe5a15757c640074741c&s=fde915727d6d02747c167471&jb=ffcf14&ju=fe3116747766067b751d73>

United Healthcare labels employee participation as “voluntary,” but the individual contact (by United Healthcare), both companies’ ability to monitor compliance by individual employees and the instruction to take action on company time override any such disclaimer.

While coercive communications with employees may be legal, if abhorrent, in most states, California’s Labor Code appears to directly prohibit them. The relevant codes are:

§ 1101. Rule, regulation or policy as to political activities or affiliations

No employer shall make, adopt, or enforce any rule, regulation, or policy:

(a) Forbidding or preventing employees from engaging or participating in politics or from becoming candidates for public office.

(b) Controlling or directing, or tending to control or direct the political activities or affiliations of employees.

§ 1102. Coercing or influencing political activities of employees

No employer shall coerce or influence or attempt to coerce or influence his employees through or by means of threat of discharge or loss of employment to adopt or follow or refrain from adopting or following any particular course or line of political action or political activity.

Please investigate the transmission of the lobbying instructions by Anthem/Wellpoint and United Healthcare to California employees, and take action as necessary to prevent further violations and punish existing violations of the state Labor Code.

Sincerely,



Judy Dugan
Research Director

Attachments:

United Healthcare letter to employees, under the name of “United for Health Reform”
Anthem/Wellpoint e-mail to employees

[REDACTED]

From: United for Health Reform Update

Sent: Thursday, August 13, 2009 [REDACTED]

Subject: Take Action Today!

UNITED FOR HEALTH REFORM

Take Action Today!

Members of Congress are home for August recess and hearing from their constituents about the health care modernization debate. Be a part of this critical debate!

Every day, approximately 75,000 men and women of our company work passionately to help people lead healthier lives. It is critical that we, as leaders in the health care industry, are communicating with our Members of Congress to ensure that they understand our story and views. This is the time to tell Congress who we are and why our perspective matters.

Call the United for Health Reform Advocacy Hotline at 1-888-265-6101 to speak with an advocacy specialist who can assist you with:

- **Writing a personal letter to your elected officials** – By working with an advocacy specialist to personalize your message, you can quickly and easily add your voice to this historic debate.
- **Calling your elected officials** – Advocacy specialists are also available to connect you directly to your Congressional elected officials' offices.
- **Attending a town hall meeting** – Advocacy specialists have information on events in your area and can provide you with information on where to get more information, talking points and directions. To ensure your comments have the greatest impact, please be sure to be clear, concise, constructive, and respectful. You can also find more information on town hall meeting events at www.unitedforhealthreform.com/events.

As part of our effort to educate and assist you in your efforts to communicate your views to your elected officials, YOU MAY BE CONTACTED during business hours by a member of the United for Health Reform advocacy team. Team members are currently reaching out to employees to determine interest in learning more about the debate in Washington and provide assistance in efforts to contact Congress by writing a personal letter, being connected directly to their lawmakers' offices and learning more about town hall events that may be taking place locally. As with all other advocacy activities, your participation in this program is completely voluntary.

August 27, 2009

Getting Health Care Reform Right

As you know, our company has been pursuing responsible and sustainable health care reform as the Senate and House of Representatives have been working this summer -- and will continue to do so going forward.

We have also launched our grassroots Web site, the [Wellpoint Health Action Network](#), to assist you with contacting your elected officials as well as notifying friends, neighbors and family members about this important issue.

Regrettably, the Congressional legislation, as currently passed by four of the five key committees in Congress, does not meet our definition of responsible and sustainable reform. At this stage, the legislative proposals would likely have a significant negative impact on our partners and customers by:

- Causing tens of millions of Americans to lose their private coverage and end up in a government-run plan;
- Limiting customers' choices of the products they can purchase and how they can purchase health coverage; and
- Increasing the premiums of those with private coverage by imposing new mandates and coverage requirements.

Please make your voice heard on this important issue by [writing Congress](#) and encouraging your elected officials to get health reform done -- and done right -- by acting in a bipartisan fashion to make health care more affordable, improve quality, and cover all Americans in a sustainable way.

Please visit the [Health Action Network](#) and write an e-mail, make a phone call, or alert others about the opportunity to use our Web site to write a letter encouraging members of Congress to reconsider their present course and instead to pass responsible and sustainable health care reform.

Together, we can get health care reform done right.