



Connecticut **Business & Industry** Association

Testimony of Kia F. Murrell
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Before the Committee on Government Administration and Elections
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S.B. 335 AAC The Protection of Whistleblowers

Good Morning Senator Slossberg, Representative Caruso and members of the committee. My name is Kia Murrell and I am the Assistant Counsel for Labor and Employment matters at the Connecticut Business and Industry Association (CBIA). CBIA represents the interests of more than 10,000 companies throughout the state, ranging from large corporations to small businesses. I am here today to speak on behalf of all of our member companies regarding *S.B. 335 AAC The Protection of Whistleblowers* which seeks to expand protection for certain whistleblowers who may be subject to retaliation by their employers.

Generally, CBIA supports public policy measures that do not increase the costs of doing business or administrative burdens for employers in the state. Unfortunately, we believe this legislation would increase both labor costs and administrative burdens for employers throughout the state, so *we strongly oppose the legislation* for the following reasons:

First, *the proposed change does not positively impact whistleblowers enough to justify the burden it places on employers*. Specifically, Section 1, subsection (b)(5) of the bill extends an existing rebuttable presumption for whistleblower actions from one to three years, so that any personnel action taken by an employer against a whistleblower could be deemed to be in retaliation for the employees act as a whistleblower. This places employers in the difficult position of either having to forgo or seriously delay routine employment decisions for fear of implicating the whistleblower statute. In cases where a negative employment decision is made, even if it is sufficiently supported by paperwork and other evidence, the employer may still be forced to spend significant time and expense overcoming the 3 year rebuttable presumption in needless litigation.

Second, *the existing law is comparable to other whistleblower laws and adequately protects employees*. Although there are several Connecticut statutes that contain whistleblower protections, few go as far to extend those protections in the way proposed under *S.B. 335*. In fact, many of the other whistleblower statutes, such as those regarding corporations, securities, environmental actions and even the statute governing employment regulation, do not provide whistleblowers the protection of a rebuttable presumption at all. (See for example, CGS §31-51m

and CGS § 33-1336). Rather, each of these sections protects whistleblowers by granting them only the right to an administrative hearing or civil action.

Finally, *amending the current statute is legislating for the benefit of a very few at the expense of many*. As stated, large state contractor whistleblowers are already adequately protected. Increasing those protections at the expense of employers will deter companies from entering into large state contracts, thereby impeding economic development in the state at a time when we need it most.

For the aforementioned reasons, CBIA urges the members of the Government Administration and Elections Committee to ***Reject SB 335***.

Thank you for the opportunity to voice our concerns and comments.