



Connecticut Business & Industry Association

**Testimony of Kia F. Murrell  
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Before the Labor and Public Employees Committee  
February 10, 2009**

**S.B. 714 AAC Retaliation for Use of Paid Sick Leave**

Good Morning Senator Prague, Representative Ryan and members of the committee. I am Kia Murrell, Assistant Counsel at the Connecticut Business and Industry Association (CBIA). CBIA represents more than 10,000 companies throughout the state of Connecticut, but the vast majority of our companies have 50 or fewer employees. I am here today to speak on **S.B. 714 AAC Retaliation for Use of Paid Sick Leave** which prohibits employers from retaliating against employees for their use of up to two weeks accumulated paid sick time. We believe this legislation would hinder flexibility and increase administrative burdens for Connecticut employers in managing their employees, therefore **we strongly oppose it.**

**SB-714 places an unnecessary burden on employers seeking to make legitimate, non-retaliatory personnel decisions.** The stated purpose of the legislation is to prohibit retaliation against employees' for their use of paid sick leave, but it doesn't prohibit only retaliatory actions. Rather, it broadly prohibits employers from discharging, demoting, suspending and taking other routine disciplinary actions against employees at any time after they use paid sick leave. In not limiting the prohibition to retaliatory actions, **this legislation actually prevents employers from making routine, non-retaliatory employment decisions** without any compelling public policy reason for doing so. Moreover, **the legislation doesn't specify any time limit during which the actions cannot be taken.** Consequently, almost **any** disciplinary action taken **at any time** after an employee takes sick leave could be deemed to be retaliatory and thus prohibited. This places employers in the difficult position of either having to forgo or seriously delay routine employment decisions for fear of implicating the retaliation statute. In cases where a negative employment decision is made, even with sufficient supporting evidence, the employer may still be forced to spend significant time, effort and expense defending against a frivolous retaliation claim.

At a time when many Connecticut businesses are struggling to survive and maintain jobs, it is unreasonable to place additional burdens on employers without a compelling justification for doing so. Today, more than ever companies need flexibility to manage their employees as they see fit without fear of implicating the law.

For the aforementioned reasons, CBIA urges the Committee to **Reject SB-714.**