



Connecticut Business & Industry Association

**Testimony of Kia F. Murrell  
Assistant Counsel, CBIA  
Before the Committee on Labor and Public Employees  
Hartford, CT  
March 2, 2010**

**S.B. 169 AAC Requiring Employers to Cite a Reason for Termination of Their Employees**

Good Afternoon Senator Prague, Representative Ryan and other members of the Committee. My name is Kia Murrell and I am Assistant Counsel for Labor & Employment matters at the Connecticut Business and Industry Association (CBIA). CBIA represents more than 10,000 companies throughout the state of Connecticut, ranging from large corporations to small businesses, but the vast majority of our members are small businesses of fifty or fewer employees. CBIA generally does not support legislation which increases the costs of doing business in the state; creates new administrative burdens for employers; or restricts employers' flexibility to manage their workforces or make personnel and operational decisions.

As the title suggests, **S.B. 169** would require employers to cite a specific reason for terminating their employees in writing, or otherwise be subject to a \$300 fine. At a time when unemployment is high and many workers have been out of work for longer periods than ever before, employers must be able to hire for available jobs with the utmost flexibility. We believe that this legislation would hinder flexibility and increase administrative burdens for Connecticut employers when deciding to termination employees, therefore **we oppose it** for the following reasons.

First, many employers in the state already provide employees with a reason for their termination, therefore SB-169 is not necessary. **Connecticut unemployment law already requires employers to provide separating employees with a notice of the potential availability of unemployment compensation benefits, and that form indicates the reason for separation.** Moreover, many separations may not lend themselves to specific written reasons or easily articulated written statements. This is especially so in cases when an employer indicates a neutral reason such as "failure to meet job requirements," where the real reason may have been something more critical that could impede unemployment benefits eligibility. In many cases, the employer may state a vague or general reason for separation to ensure that a terminated employee is eligible for unemployment benefits. Requiring another statement in another document creates an unnecessary additional burden on employers and may ultimately render some ineligible for unemployment if and when that reason is

challenged. Also, having dueling documents may make employers vulnerable to wrongful termination claims if and when an employee disagrees with the written reasons stated on the documents.

**SB-169 also severely encroaches on the “employment at will” doctrine of the employment relationship which allows both the employer and employee to terminate their relationship at any time and for any reason.**

We have found that many Connecticut employers provide their employees with a written reason for termination as a matter of personnel practice whether or not required to do so. Public sector employers are required to cite a reason for termination as part of the due process granted to public employees. Employers subject to a collective bargaining agreement adhere to the same due process standards. For other employers, many provide a written notice of separation based on their own administrative protocols, employment policies and best practices to ensure that the employee is aware of the reasons for his/her separation; to ensure the integrity of their personnel records; and establish the validity of the termination itself in case of future litigation.

There are many categories of industry in this state where employees are given some reason for their termination. Therefore, we believe that **SB-169 is an unnecessary measure that amounts to another government mandate on employers at a time when many need to maintain the utmost flexibility in managing employees without additional regulatory and legislative burdens.**

For the aforementioned reasons, CBIA urges the Committee to **Reject SB-169.**