

Testimony of Eric W. Gjede
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Before the Committee on Judiciary Committee
Hartford, CT
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Testifying in Opposition to Section 17 of HB 6667 An Act Concerning The Establishment Of Benefit Corporations And The Liability Of An Employer Who Disciplines Or Discharges An Employee On Account Of The Exercise Of Certain Constitutional Rights

Good Afternoon Senator Coleman, Representative Fox, and members of the Judiciary Committee. My name is Eric Gjede and I am assistant counsel at the Connecticut Business and Industry Association (CBIA) which represents more than 10,000 large and small employers throughout Connecticut.

CBIA has concerns about section 17 of raised bill 6667.

The current law penalizes an employer that takes disciplinary action against any employee for exercising his or her first amendment rights, unless the exercise of this right substantially or materially interferes with such employee's bona fide job performance or working relationship with the employer. This bill seeks to expand that penalty to prevent employers from disciplining employees exercising their first amendment rights during the course of their employment.

While the business community agrees an employee should be free to exercise his or her first amendment right during their own time, it becomes increasingly problematic when there are no limits to the exercise of these rights during the course of employment.

When an employee is hired, they are expected to conduct themselves in a way that exemplifies the image and reputation of the business that hired them. Penalizing employers who attempt to discipline employees for tarnishing this image through speech or dress is occasionally necessary – even when it does not substantially or materially interfere with job performance. For example, a machinist on an assembly line has been exercising his or her first amendments rights through the use of racial epithets or sexually suggestive language. Under this bill, an employer would be unable to discipline that machinist unless his or her inappropriate speech was preventing him or her from making the product they were hired to produce.

The citizens of Connecticut expect businesses to be upstanding citizens in their communities. Occasionally, that requires a business to impose disciplinary actions on employees that exercise their first amendment rights during their work shift in a hateful or disrespectful way, or in a way that reduces employee or customer morale.

We urge the committee to oppose section 17 of RB 6667