

**TESTIMONY OF
THE CONNECTICUT BUSINESS AND INDUSTRY ASSOCIATION, INC.
PRESENTED BY ERIC J. GEORGE, ESQ.
BEFORE THE JUDICIARY COMMITTEE
ON MARCH 5 , 2014**

The Connecticut Business and Industry Association, Inc. (CBIA) urges the Judiciary Committee to oppose SB-263, AN ACT CONCERNING THE EXTENSION OF WHISTLE-BLOWER PROTECTIONS TO AN EMPLOYEE WHO REPORTS A SUSPECTED VIOLATION OF LAW TO THE EMPLOYEE'S SUPERVISOR OR MANAGER. SB-263 significantly expands employers' potential liability in the whistle-blowing arena without protecting those employers from employees acting in bad faith in making improper whistle-blower complaints.

SB-263 expands Connecticut's whistleblower laws beyond employees properly notifying public authorities of possible violations of law. The bill extends the whistle-blower notice to "managers" and "supervisors" within the company. Under this legislation, the following scenario could occur:

An employee has an existing disciplinary matter with his employer. That employee then claims that he notified his "supervisor" or "manager" erroneously that the employer is in violation of a given law (whether such violation actually exists). And this notification can be verbal, with no requirement that it be documented. The employee then claims that his existing disciplinary matter was in retaliation for his whistle-blower complaint.

This is very problematic. Notifying a "supervisor" or "manager" does not mean that the "manager" or "supervisor" has sufficient knowledge in the area of law where the violation is claimed to have occurred. At least when a whistle-blower claim is made to a public authority, that authority has sufficient knowledge to determine whether there is sufficient evidence to substantiate such claim. And a public authority has the duty to document the complaint.

Furthermore, under SB-263, the definitions of "supervisor" and "manager" are very broad. These definitions could be read to include fellow co-workers who have certain leadership responsibilities.

Finally, the bill significantly expands the damages available to such employees. This expansion goes too far, especially considering that under SB-263 the employer is not protected from the potential erroneous whistle-blower claim described above.

For these reasons, CBIA asks this committee to reject SB-263.