



Testimony of Eric Gjede
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Before the Labor & Public Employees Committee
Hartford, CT
March 8, 2022

**Testifying in opposition to
SB 314: AN ACT CONCERNING PROTECTION OF WAREHOUSE WORKERS**

Good afternoon, Senator Kushner, Representative Porter, Senator Sampson, Representative Arora and members of the Labor & Public Employees Committee. My name is Eric Gjede and I am vice president of public policy for CBIA, the Connecticut Business & Industry Association.

CBIA is Connecticut's largest business organization, with thousands of member companies, small and large, representing a diverse range of industries from across the state. Ninety-five percent of our member companies are small businesses with less than 100 employees.

CBIA opposes SB 314.

Employee performance metrics are common in most private sector industries. Such metrics are critical to ensure long-term business goals are met and to assist in merit-based compensation adjustments for employees. Such standards are not arbitrarily created but based on past performance of employees in the aggregate. These metrics are necessary to predict workflow projections to avoid logistical errors and failure to meet customer needs.

It is a misperception to believe that employers are using these metrics in a punitive way or to terminate large numbers of employees. In fact, unreasonable metrics would not only result in the loss of underperforming employees, but also result in turnover and reduced morale among the highest performing employees.

Connecticut is home to the safest workplaces in the nation. Businesses go through incredible lengths and expense to ensure the highest standards for employees and customers alike. Imposing unreasonable workplace metrics on employees would lead to unsafe work speeds and result in injuries. This would lead to OSHA violations, higher workers' compensation costs and further inability to attract and retain workers.

There are several troubling aspects about SB 314:

- For one, it insinuates that the imposition of performance metrics requires the violation of a multitude of labor laws and OSHA regulations. Employers care about their employees. If such violations were to occur, there are processes for initiating complaints and investigations already in statute.
- Two, subsection (C) of section 1 requires employers to provide former employees with “speed data” within 21 days of their request. At what point in time is an employer no longer required to provide former employees with this data? Does this obligation extend beyond requirements for employee personnel file retention periods?
- Three, subsection (d) of section 1 creates a rebuttable presumption that any adverse employment action taken against an employee after a request for their “speed data” was done so in retaliation. Would this not lead to situations where an employee engaging in workplace misconduct would ask for their data to bring a retaliation claim in the event of their termination for their misconduct? This section makes legitimate disciplinary actions and enforcement of workplace safety, violence, and harassment policies more difficult.

SB 314 imposes restrictions on the warehouse industry based on a misunderstanding of the logistical necessity of workplace metrics. It will create far more safety issues for employees than it seeks to correct.

For this reason, we urge the committee to take no action on SB 314.