



Testimony by Tim Phelan,
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(formerly the Connecticut Retail Merchants Association)

Labor Committee
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Good afternoon, Sen. Kushner, Rep. Sanchez, Rep. Ackert, Sen. Sampson and members of the Labor Committee. My name is Tim Phelan, and I am the President of the Connecticut Retail Network, a statewide trade association representing thousands of Connecticut retailers, large and small, and all across our state.

CRMA is a statewide trade association representing some of the world's largest retailers and the State's main street merchants - businesses that are major employers, economic engines and community contributors throughout Connecticut. I am here today to testify regarding **House Bill 6859, An Act Concerning Predictable Scheduling**.

Retail businesses are an indispensable segment of the Connecticut economy, supporting more than 470,000 jobs and contributing more than \$34 billion to our state's economy. There are roughly 42,000 retail establishments in Connecticut, and in total, the retail industry produces approximately 14% of Connecticut's total GDP. More than 98% of all retail companies are small businesses, employing fewer than 50 people.

The past three years have been tough for Connecticut families and for our retail businesses. It has been more challenging to stay in business, to stay in business here in Connecticut, and to keep our businesses fully staffed so we can continue providing our customers with the level of service and responsiveness they have come to expect.

We have serious reservations about House Bill 6859. In our view, while it may be well-intentioned, it would be counterproductive and do more harm than good. The adverse impacts would hurt our businesses, our employees and ultimately our customers – and Connecticut's efforts to achieve the economy recovery we all desire.

Retailers depend on store employees to provide an unparalleled in-store experience for customers. And retail employees depend on their employers to provide jobs with schedules that fit their needs, which are as varied as the people who work in retail. And can be ever-changing, on both sides of that equation, now more than ever.

Many retail employees choose retail specifically because the field allows them to work a flexible schedule. Students, for example, are particularly drawn to retail because of the opportunity to pick up hours to supplement their income. The same is true of many other residents, of all ages and circumstances. Flexibility is seen as an attractive attribute of retail.

As you can imagine, scheduling employee shifts is an intricate balancing act. Retailers consider a broad range of factors when scheduling, including employee preferences and availability. Many retailers ask employees to provide information on their level of availability and interest in working more, or fewer, hours. Those preferences change - often.



At a time when retailers – like many other businesses – are struggling to find workers in sufficient numbers, legislation that would impose more hurdles and more obstacles is the wrong remedy at the wrong time.

Where the legislature could help is to work with retail businesses in developing Connecticut's workforce to be well-prepared for the retail jobs that remain unfilled, and those that will become available in the coming months and years. There will be opportunities ahead – and in many cases, those opportunities are here now – jobs that can become careers, good-paying jobs that can supplement income, and jobs that provide a pathway to entrepreneurship and leadership. We stand ready to work with you to achieve those goals.

HB 6859 does just the opposite, imposing one-size-fits-all requirements. It is cumbersome, burdensome, and, in many ways, just plain unworkable. It seeks to impose predictability in perhaps the most unpredictable time in anyone's memory.

Even without the ongoing disruptions related to COVID, which are still very much with us, circumstances such as unanticipated weather, disrupted deliveries, sales fluctuations, peak seasons, sales and special events - all impact the type of employee and the amount of time that is needed in any given store at any given time. **Retailers need flexibility to respond efficiently in order to meet the needs of consumers, employees and the store.**

Recognizing the shared interest in this flexibility, retailers are constantly looking for ways to have the scheduling process work more effectively. That can range from developing an app that would allow team members to see and ask for open shifts in real time, to using technology to easily allow shift swapping among employees.

The market for qualified employees is already driving retailers to examine ways to provide effective schedules, without regulatory mandates. As the post-COVID business and workforce environment continues to evolve, innovation based on flexibility, rather than rigidity, will continue to grow – which is in everyone's best interest.

HB 6859 misses the mark by failing to recognize the unique needs of both businesses and their employees, as well as the negative impact that its provisions would impose on employee opportunities. The result could be fewer hours available for individuals who would prefer more, as well as a reduced ability to participate in special programs that may occur from time to time, often without much advance notice.

In addition, this year's proposal glosses over the fact that franchise owners and the company whose franchise they operate are, in most cases, separate and distinct businesses. They have a business relationship – but are not one in the same, and should not be treated as a single entity. In fact, no two franchises are alike. Franchises tend to be small businesses, not unlike thousands of other Connecticut small businesses, independently owned and operated.

I could go on, but let me stop here. **The bottom line is this: House Bill 6859 would not advance the interests of Connecticut's retail employees, or their employers.** I would be glad to answer any questions you may have.