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 TRUSZ v. UBS REALTY INVESTORS, LLC—CONCURRENCE

ZARELLA, J., concurring. I agree with the result that the majority reaches. I write separately simply to reiterate that I would interpret General Statutes § 31-51q as being "inapplicable to any speech made by a private sector employee in a private workplace, contrary to the reasoning in Cotto v. United Technologies Corp., 251 Conn. 1, 738 A.2d 623 (1999)." (Footnote omitted.) Schumann v. Dianon Systems, Inc., 304 Conn. 585, 627-28, 43 A.3d 111 (2012) (Zarella, J., concurring). I recognize that this claim has not been raised by the parties in the present case, and, therefore, it would be inappropriate to decide the case on that basis. Nevertheless, "when presented with the appropriate case, I would overrule Cotto and instead follow Justice Borden's concurrence and dissent in Cotto. [See Cotto v. United Technologies Corp., supra, 21 (Borden, J., concurring and dissenting).] A proper reading of § 31-51q extends protections to private sector employees only from discipline or discharge [resulting from] the exercise of their constitutionally guaranteed free speech rights outside of the workplace. It does not protect a private sector employee's speech in the private workplace, regardless of whether that speech [is] a matter of public concern or made pursuant to his or her job duties." Schumann v. Dianon Systems, Inc., supra, 638 (Zarella, J., concurring). Accordingly, I respectfully concur.