



General Assembly

January Session, 2011

Raised Bill No. 911

LCO No. 2914

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Referred to Committee on General Law

Introduced by:
(GL)

AN ACT CONCERNING HOMEMAKER SERVICES AND HOMEMAKER-COMPANION AGENCIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 20-670 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective January 1, 2012*):

3 As used in sections 20-670 to 20-680, inclusive, as amended by this
4 act:

5 (1) "Certificate" means a certificate of registration issued under
6 section 20-672.

7 (2) "Commissioner" means the Commissioner of Consumer
8 Protection or any person designated by the commissioner to
9 administer and enforce the provisions of sections 20-670 to 20-680,
10 inclusive, as amended by this act.

11 (3) "Companion services" means nonmedical, basic supervision
12 services to ensure the well-being and safety of a person in such
13 person's home.

14 (4) "Employee" means any person employed by, or who enters into a
15 contract to perform services for, a homemaker-companion agency,
16 including, but not limited to, temporary employees, pool employees
17 and persons treated by such agency as independent contractors.

18 (5) "Homemaker services" means nonmedical, supportive services
19 that ensure a safe and healthy environment for a person in such
20 person's home, such services to include assistance with personal
21 hygiene, cooking, household cleaning, laundry and other household
22 chores.

23 (6) "Homemaker-companion agency" means any public or private
24 organization, employing one or more persons that is engaged in the
25 business of providing companion services or homemaker services.
26 Homemaker-companion agency shall not include a home health care
27 agency, as defined in subsection (d) of section 19a-490, or a
28 homemaker-home health aide agency, as defined in subsection (e) of
29 section 19a-490.

30 (7) "Registry" means any person or entity engaged in the business of
31 supplying or referring an individual to or placing an individual with a
32 consumer to provide homemaker or companion services provided by
33 such individual, when the individual providing such services is either
34 (A) directly compensated, in whole or in part, by the consumer, or (B)
35 treated, referred to or considered by such person or entity as an
36 independent contractor.

37 [(7)] (8) "Service plan" means a written document provided by a
38 homemaker-companion agency to a person utilizing services provided
39 by such agency, that specifies the anticipated scope, type, frequency
40 and duration of homemaker or companion services that are to be
41 provided by such agency for the benefit of the person.

42 Sec. 2. Section 20-675 of the general statutes is repealed and the
43 following is substituted in lieu thereof (*Effective January 1, 2012*):

44 (a) The Commissioner of Consumer Protection may revoke, suspend
45 or refuse to issue or renew any certificate of registration as a
46 homemaker-companion agency or place an agency on probation or
47 issue a letter of reprimand for: (1) Conduct by the agency, or by an
48 employee of the agency while in the course of employment, of a
49 character likely to mislead, deceive or defraud the public or the
50 commissioner; [or] (2) engaging in any untruthful or misleading
51 advertising; or (3) failure of such agency that acts as a registry to
52 comply with the notice requirements of sections 3 and 4 of this act.

53 (b) The commissioner shall not revoke or suspend any certificate of
54 registration except upon notice and hearing in accordance with chapter
55 54.

56 Sec. 3. (NEW) (*Effective January 1, 2012*) (a) A registry shall provide
57 each consumer with a notice specifying the duties, responsibilities,
58 obligations and legal liabilities of such registry to the individual
59 supplied or referred to or placed with the consumer and to the
60 consumer. The notice shall be given to the consumer before the
61 commencement of services. If the registry maintains an Internet web
62 site, a sample of the notice shall be posted on such Internet web site.

63 (b) The notice to the consumer shall be in a form approved by the
64 commissioner and shall include, at a minimum, the following
65 information:

66 (1) The consumer's responsibility for:

67 (A) Day-to-day supervision of the employee,

68 (B) Assigning duties to the employee,

69 (C) Hiring, firing and discipline of the employee,

70 (D) Provision of equipment or materials for use by the employee,

71 (E) Performing a comprehensive background check on the

72 employee, and

73 (F) Ensuring credentials and appropriate certification of the
74 employee.

75 (2) A statement identifying the registry as an employer, joint
76 employer, leasing employer or nonemployer, as applicable, along with
77 the responsibility the registry will assume for the payment of wages,
78 taxes, Social Security, overtime and minimum wage, workers'
79 compensation and unemployment compensation insurance payments
80 and any other applicable payment required under state or federal law.

81 (3) A statement that, regardless of the registry's status, the consumer
82 may be considered an employer under law and, if that is the case, the
83 consumer may be held responsible for the payment of federal and state
84 taxes, Social Security, overtime and minimum wage, unemployment,
85 workers' compensation insurance payments and any other applicable
86 payment required under state or federal law.

87 (4) The telephone number and address of the commissioner, in the
88 event the consumer has questions concerning the content of the notice.

89 (c) A registry's failure to give the notice required pursuant to
90 subsection (a) of this section to a consumer shall not relieve the
91 consumer of any of his or her duties or obligations as an employer. In
92 the event a registry fails to give such notice to the consumer and the
93 consumer is later held liable to the employee for payment of wages,
94 taxes, workers' compensation or unemployment compensation, the
95 consumer shall have a right of indemnification against the registry,
96 which shall include, but not be limited to, the actual amounts paid to
97 or on behalf of the employee, as well as the consumer's attorneys' fees
98 and costs.

99 Sec. 4. (NEW) (*Effective January 1, 2012*) (a) A registry shall provide
100 each individual supplied or referred to or placed with a consumer with
101 a notice that sets out such individual's legal relationship with the

102 registry and the consumer. The notice shall be given to such individual
103 upon being recruited by the registry. If the registry maintains an
104 Internet web site, a sample of the notice shall be posted on such
105 Internet web site.

106 (b) The notice to the individual shall be in a form approved by the
107 commissioner, and shall include, at a minimum, the following
108 information:

109 (1) The duties, responsibilities, obligations and legal liabilities of the
110 registry to the consumer and the individual. Such description shall
111 include the following information:

112 (A) A statement as to the party responsible for the payment of the
113 individual's wages, taxes, Social Security, unemployment and workers'
114 compensation insurance,

115 (B) A statement identifying which party will be responsible for the
116 individual's hiring, firing, discipline, day-to-day supervision,
117 assignment of duties and provision of equipment or materials for use
118 by the individual, and

119 (C) A statement that, under state and federal law, an individual
120 treated as an independent contractor may enjoy less protection than
121 one who is treated as an employee.

122 (2) The telephone number and address of the commissioner, in the
123 event the individual has questions concerning the content of the notice.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2012</i>	20-670
Sec. 2	<i>January 1, 2012</i>	20-675
Sec. 3	<i>January 1, 2012</i>	New section
Sec. 4	<i>January 1, 2012</i>	New section

Statement of Purpose:

To protect homemaker services' workers and consumers.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]