

TO: Members of the Committee on Labor and Public Employees

RE: Alternative language for SB330

VENUE: Public Hearing

March 7, 2012

Introduced by: Lesley Mills, Griswold Home Care

Dear Senator Prague, Representative Zalaski and Members:

For 80 years there have been Registries in Connecticut and every state in the union provides for some form of Registry. We have been providing care as a Registry for 30 years.

There are two forms of business for home care providers:

The Full-Payroll Model, where an agency treats the caregiver as an employee.

the Registry Model

- where each consumer pays the caregiver and the Registry separately
- the consumer issues the 1099.
- typically, workers are not protected with workers' compensation or unemployment insurance and caregivers earning are not reported to the State.

The Registry Model is significantly more affordable for State-financed indigent care and other consumers.

SB330 proposes that Registries

1. pay for workers' compensation insurance
2. be responsible for the caregiver wages.
3. pay unemployment insurance

Attached is a letter from SWCAA and AASCC who administer Medicaid. They urge that you consider the Griswold Home Care Model that creates a compromise for Consumers, Caregivers and the State Legislature.

1. We support the Connecticut Association of Home Care Registries in its appeal to protect the separate payments of caregivers and Registries by consumers.
2. We pay unemployment insurance
3. We pay worker's compensation insurance (over \$1 million in recent years)
4. The hybrid, Griswold Home Care Model, will provide the State with caregiver earnings on unemployment reports.

Attached are proposed amendments to SB330 to reflect the protection of Registries with the Griswold Home Care Model.

General Assembly
February Session, 2012

Raised Bill No. 330

LCO No. 1460

01460 _____ LAB

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

**AN ACT CONCERNING THE EMPLOYERS OF INDIVIDUALS PROVIDING
HOMEMAKER SERVICES, COMPANION SERVICES AND HOMEMAKER-HOME
HEALTH AIDE SERVICES.**

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

Section 1. (NEW) (Effective January 1, 2013) For purposes of chapter 567 of the general statutes, a homemaker-companion agency, as defined in section 20-670 of the general statutes, registry, as defined in section 20-670 of the general statutes, or homemaker-home health aide agency, as defined in section 19a-490 of the general statutes, shall be deemed the employer of an individual such agency or registry supplied or referred to a consumer to provide (1) homemaker services, as defined in section 20-670 of the general statutes, (2) companion services, as defined in section 20-670 of the general statutes, or (3) homemaker-home health aide services, as defined in section 19a-490 of the general statutes, and such agency or registry shall be liable for the payment of unemployment contributions for such individual during the duration of time he or she provides said services to the consumer. Any person or entity engaged in the business of supplying or referring an individual to or placing an individual with a consumer to provide homemaker services, companion services or homemaker-home health aide services provided by such individual when the individual providing such services is either (A) directly compensated, in whole or in part, by the consumer, or (B) treated, referred to or considered by such person or entity as an independent contractor, shall not be deemed the employer of such individual for purposes of chapter 567 of the general statutes prior to the effective date of this Section 1.

~~Sec. 2. (NEW) (Effective January 1, 2013) For purposes of chapter 558 of the general statutes, a homemaker-companion agency, as defined in section 20-670 of the general statutes, registry, as defined in section 20-670 of the general statutes, or homemaker-home health aide agency, as defined in section 19a-490 of the general statutes, shall be deemed the employer of an individual such agency or registry supplied or referred to a consumer to provide (1) homemaker services, as defined in section 20-670 of the general statutes, (2) companion services, as defined in section 20-670 of the general statutes, or (3) homemaker-home health aide services, as defined in section 19a-490 of the general~~

(c) The consumer's exemption from liability under subsection (a) of section 31-284 of the general statutes, including any liability for third-party lawsuits commenced pursuant to subsection (a) of section 31-293 of the general statutes, shall be extended to (1) members of the consumer's immediate family or household, and (2) any individual acting as a conservator of the person, as defined in section 45a-644 of the general statutes or acting under other legal authority to make decisions for the consumer regarding their medical or personal care.

Sec. 34. Subdivision (9) of section 31-275 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2013*):

(9) (A) "Employee" means any person who:

(i) Has entered into or works under any contract of service or apprenticeship with an employer, whether the contract contemplated the performance of duties within or without the state;

(ii) Is a sole proprietor or business partner who accepts the provisions of this chapter in accordance with subdivision (10) of this section;

(iii) Is elected to serve as a member of the General Assembly of this state;

(iv) Is a salaried officer or paid member of any police department or fire department;

(v) Is a volunteer police officer, whether the officer is designated as special or auxiliary, upon vote of the legislative body of the town, city or borough in which the officer serves;

(vi) Is an elected or appointed official or agent of any town, city or borough in the state, upon vote of the proper authority of the town, city or borough, including the elected or appointed official or agent, irrespective of the manner in which he or she is appointed or employed. Nothing in this subdivision shall be construed as affecting any existing rights as to pensions which such persons or their dependents had on July 1, 1927, or as preventing any existing custom of paying the full salary of any such person during disability due to injury arising out of and in the course of his or her employment;

(vii) Is an officer or enlisted person of the National Guard or other armed forces of the state called to active duty by the Governor while performing his or her active duty service; or

(viii) Is elected to serve as a probate judge for a probate district established in section 45a-2.

(B) "Employee" shall not be construed to include:

[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.]