

**Public Hearing Testimony of
Joshua A. Hawks-Ladds, Esq.
Labor and Public Employees Committee
February 26, 2013**

Good Afternoon Senator Osten, Representative Tercyak, Senator Markley, Representative Smith and members of the Labor and Public Employees Committee. Thank you for the opportunity to provide you with testimony regarding the **H. B. No. 6432, AN ACT CONCERNING HOMEMAKER SERVICES AND HOMEMAKER COMPANION AGENCIES.**

My name is Joshua Hawks-Ladds. I am an attorney and the chair of Pullman & Comley LLC's labor and employment practice group. I primarily practice on the side of management.

A few years ago I represented an indigent, disabled individual whom I will refer to as Joe. Joe is a quadriplegic. At the time that I represented Joe, he had difficulty speaking, could not get out of bed without assistance, could not feed himself without assistance and was reliant on aides for these services, as well as bathing him, shopping for him and numerous other services. The aides were supplied through Allied Community Resources and paid for through State of Connecticut funds. Joe relied on these homemakers for all of his essential needs. They worked independently, with minimal direction. If a home health aide did not show up at Joe's home, he would be forced to remain in bed, often soiling himself, until a substitute aide could arrive.

I represented Joe in relation to a termination of a home health aide who did not show up on several occasions to get him out of bed. The aide filed an unemployment compensation claim against Joe. The cost of that claim practically exhausted Joe's disability benefits. I fought the aide's unemployment claim on Joe's behalf arguing that the homemaker was not his employee since he did not control the homemaker's work, she worked independently and without direction from Joe. The aide (as were virtually all his aides) was sent to Joe through Allied Community Resources.

Unfortunately, because of the Latimer v. Administrator decision (216 Conn. 237, 247 (1990)), Joe lost the unemployment compensation matter and was forced to pay for the homemaker companion unemployment compensation benefits.

This bill would remedy that situation in circumstances such as Joe's – a profoundly disabled individual who did not direct or control the aides work. A homemaker companion or home health aide is clearly not the employee of a disabled individual and the current state of the law is unfair to individuals like Joe. The law must be changed.

This proposed bill would protect individuals like Joe from the very substantial economic harm that befalls them under the current state of the law. Homemaker-companion

agencies and homemaker home health aide agencies should be the responsible employers under circumstances like this.

Joe's situation and the numerous other similar cases are why I speak in favor of this bill regarding CONCERNING HOMEMAKER SERVICES AND HOMEMAKER COMPANION AGENCIES.

Thank you for this opportunity to provide testimony here today. I am available to answer any questions you may have.