



General Assembly

**Raised Bill No. 6432**

January Session, 2013

LCO No. 3207



Referred to Committee on LABOR AND PUBLIC  
EMPLOYEES

Introduced by:  
(LAB)

**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. (NEW) (*Effective January 1, 2014*) For purposes of chapter  
2 567 of the general statutes, a homemaker-companion agency, as  
3 defined in section 20-670 of the general statutes, registry, as defined in  
4 section 20-670 of the general statutes, or homemaker-home health aide  
5 agency, as defined in section 19a-490 of the general statutes, shall be  
6 deemed the employer of any individual such agency or registry  
7 supplies or refers to a consumer to provide (1) homemaker services, as  
8 defined in section 20-670 of the general statutes, (2) companion  
9 services, as defined in section 20-670 of the general statutes, or (3)  
10 homemaker-home health aide services, as defined in section 19a-490 of  
11 the general statutes, and such agency or registry shall be liable for the  
12 payment of unemployment contributions for such individual during  
13 the duration of time he or she provides said services to the consumer.

14 Sec. 2. (NEW) (*Effective January 1, 2014*) For purposes of chapter 558  
15 of the general statutes, a homemaker-companion agency, as defined in

16 section 20-670 of the general statutes, registry, as defined in section 20-  
17 670 of the general statutes, or homemaker-home health aide agency, as  
18 defined in section 19a-490 of the general statutes, shall be deemed the  
19 employer of any individual such agency or registry supplies or refers  
20 to a consumer to provide (1) homemaker services, as defined in section  
21 20-670 of the general statutes, (2) companion services, as defined in  
22 section 20-670 of the general statutes, or (3) homemaker-home health  
23 aide services, as defined in section 19a-490 of the general statutes, and  
24 such agency or registry shall be responsible for the payment of wages  
25 to such individual during the duration of time he or she provides said  
26 services to the consumer.

27 Sec. 3. (NEW) (*Effective January 1, 2014*) (a) As used in this section:

28 (1) "Homemaker-companion agency" means homemaker-  
29 companion agency, as defined in section 20-670 of the general statutes;

30 (2) "Registry" means registry, as defined in section 20-670 of the  
31 general statutes;

32 (3) "Homemaker-home health aide agency" means homemaker-  
33 home health aide agency, as defined in section 19a-490 of the general  
34 statutes;

35 (4) "Homemaker services" means homemaker services, as defined in  
36 section 20-670 of the general statutes;

37 (5) "Companion services" means companion services, as defined in  
38 section 20-670 of the general statutes;

39 (6) "Homemaker-home health aide services" means homemaker-  
40 home health aide services, as defined in section 19a-490 of the general  
41 statutes;

42 (7) "Consumer" means an individual receiving homemaker services,  
43 companion services or homemaker-home health aid services from a  
44 homemaker-companion agency, registry or homemaker-home health

45 aide agency; and

46 (8) "Covered provider" means a homemaker-companion agency,  
47 registry, or homemaker-home health aide agency providing  
48 homemaker services, companion services or homemaker-home health  
49 aid services.

50 (b) For purposes of chapter 568 of the general statutes, any  
51 individual a covered provider supplies or refers to a consumer to  
52 provide homemaker services, companion services or homemaker-  
53 home health aid services shall be deemed an employee of (1) such  
54 covered provider, except as provided in subdivision (2) of this  
55 subsection, and such covered provider, regardless of the number of  
56 hours the individual works, shall be liable for compensation under  
57 chapter 568 of the general statutes for such individual during the  
58 duration of time he or she provides said services to the consumer, and  
59 (2) such consumer solely for the purposes of subsection (a) of section  
60 31-284 of the general statutes, and such consumer shall be deemed to  
61 be in compliance with subsection (b) of said section, except that the  
62 requirements of subsection (b) of said section 31-284 shall be the  
63 responsibility of the covered provider.

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

72 Sec. 4. Subdivision (9) of section 31-275 of the general statutes is  
73 repealed and the following is substituted in lieu thereof (*Effective*  
74 *January 1, 2014*):

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

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

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

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

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

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

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

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

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

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

104 (i) Any person to whom articles or material are given to be treated  
105 in any way on premises not under the control or management of the  
106 person who gave them out;

107 (ii) One whose employment is of a casual nature and who is  
108 employed otherwise than for the purposes of the employer's trade or  
109 business;

110 (iii) A member of the employer's family dwelling in his house; but,  
111 if, in any contract of insurance, the wages or salary of a member of the  
112 employer's family dwelling in his house is included in the payroll on  
113 which the premium is based, then that person shall, if he sustains an  
114 injury arising out of and in the course of his employment, be deemed  
115 an employee and compensated in accordance with the provisions of  
116 this chapter;

117 (iv) [Any] Except as provided in section 3 of this act, any person  
118 engaged in any type of service in or about a private dwelling provided  
119 he is not regularly employed by the owner or occupier over twenty-six  
120 hours per week;

121 (v) An employee of a corporation who is a corporate officer and  
122 who elects to be excluded from coverage under this chapter by notice  
123 in writing to his employer and to the commissioner; or

124 (vi) Any person who is not a resident of this state but is injured in  
125 this state during the course of his employment, unless such person (I)  
126 works for an employer who has a place of employment or a business  
127 facility located in this state at which such person spends at least fifty  
128 per cent of his employment time, or (II) works for an employer  
129 pursuant to an employment contract to be performed primarily in this  
130 state.

This act shall take effect as follows and shall amend the following sections:		
Section 1	January 1, 2014	New section

Sec. 2	<i>January 1, 2014</i>	New section
Sec. 3	<i>January 1, 2014</i>	New section
Sec. 4	<i>January 1, 2014</i>	31-275(9)

**LAB**      *Joint Favorable*