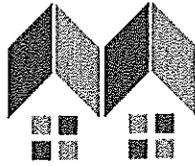


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TESTIMONY IN SUPPORT OF RAISED BILL NO. 5453

An Act Concerning Employers and Home Care Workers

TESTIMONY OF SYLVIA VERONNEAU, ON BEHALF OF HANDS ON CARE AND THE CONNECTICUT ASSOCIATION OF HOME CARE REGISTRIES IN SUPPORT OF BILL. 5453

Good afternoon, Representative Tercyak, Senator Holder-Winfield and other distinguished members of the Labor & Public Employees Committee.

My name is Sylvia Veronneau, I'm the Director of Client Services with Hands on Care and Home Sweet Home Care, agencies which focus' their daily mission on providing those individuals within our aging population and those with disabilities with options that empower them to remain independently in their homes, for as long as possible.

I'm here today to support Raised Bill. 5453, *An Act Concerning Employers and Home Care Worker*, with certain modifications. This Bill provides that when an employee works for 24 hours in an employer's home, up to eight (8) hours of sleeping time can be excluded from the definition of "Hours Worked".

Under current Federal law, hourly and live-in employee-caregivers in Connecticut have been generally exempted since 1974 from the minimum wage and overtime requirements of the Federal Fair Labor Standards Act (FLSA), through the "Companionship Exemption" and the "Live-In Exemption" contained in the FLSA. However, under new FLSA Regulations effective January 1, 2015, these two exemptions will be substantially limited for consumers and completely eliminated for third-party employee-based homecare agencies. This will enormously increase the cost of home care in CT.

The current and new FLSA Regulations provide that in calculating hours worked by live-in caregivers, sleep time, meal time and other periods of complete freedom from all duties can be excluded from the hours worked. The current CT Section 31-76b does not include such an exemption, but HB-5453 creates such an exemption, but only for sleep time. This is a

step in the right direction, but we would propose the following modifications to HB-5453 to clarify and enhance its provisions:

1. It would be simpler for CT consumers if the hours exempted followed the FLSA Regulations, so that consumers would not need to know and qualify under two different rules for the same subject matter.
2. If the FLSA Regulations are not adopted in CT, HB-5453 should be broadened to cover mealtime and other periods of complete freedom from all duties, as the FLSA does.
3. The change proposed by the bill to Section 31-76b(2) should not be limited to employees on duty at an "employer's private home". This would exclude live-in caregivers placed by agencies, because the agency does not own the home. It would also exclude live-in care provided to elderly individuals in care facilities.

The changes to the FLSA Regulations are already going to cause havoc for live-in caregivers. Most consumers will not be able to afford to pay overtime, and to avoid paying overtime, they will have to replace their current live-in caregiver with 3 live-in caregivers, each working 2 to 3 days, which is very confusing for elderly consumers and financially devastating for live-in caregivers that are used to working much longer schedules. If HB-5453 is not passed, another 56 hours of overtime will be thrown into the mix, requiring 4 replacement caregivers instead of 3.

It should also be remembered that currently live-in caregivers are provided with free room and board while working in the home of the client, which makes HB-5453 a very fair solution for caregivers. Failure to pass HB-5453 would also cause seniors who would prefer to stay at home, to now face exhausting their life savings at a quicker rate. In addition, it will further increase the speed at which an individual transitions onto Title XIX and more expensive care facilities. The Home Care Industry and our clients are currently facing many new challenges, and we are asking for your support and advocacy on behalf of those we serve daily.

I encourage you to please consider the points mentioned today and pass Bill 5343, with the suggested modifications, for the sake of our ever growing senior population and our taxpayers. Eliminate sleep time, meal time, and free time from the definition of "Hours Worked". I thank you all today, for your consideration and time.