



## Testimony to the Labor and Public Employees Committee

Submitted by Mag Morelli, President, LeadingAge Connecticut

March 11, 2014

### Regarding

- **House Bill 5313, An Act Concerning Homemaker Services and Homemaker Companion Agencies**
- **House Bill 5453, An Act Concerning Employers and Home Care Workers**

LeadingAge Connecticut is a membership organization representing over 130 mission-driven and not-for-profit provider organizations serving older adults across the continuum of long term care. Our members are sponsored by religious, fraternal, community, and municipal organizations that are committed to providing quality care and services to their residents and clients. Our member organizations, many of which have served their communities for generations, are dedicated to expanding the world of possibilities for aging.

On behalf of LeadingAge Connecticut, I would like to submit the following testimony regarding *House Bill 5313, An Act Concerning Homemaker Services and Homemaker Companion Agencies* and *House Bill 5453, An Act Concerning Employers and Home Care Workers*

### House Bill 5313, An Act Concerning Homemaker Services and homemaker Companion Agencies

LeadingAge Connecticut has not taken a position on this bill which would designate a homemaker-companion agency, registry or homemaker-home health agency as the employer of individuals providing certain services to consumers for the purposes of unemployment compensation, wages and workers' compensation, and remove liability for such individual's personal injuries arising out of and in the course of employment from the consumer. We would, however, like to raise various issues that might arise as a result of this bill, including the question of whether this proposal might take away an option for consumers who are seeking to choose the appropriate home and community based service for themselves or a loved one. Ensuring consumer choice within the long term care system is a tenet of the state's long term care plan. In addition, the requirements proposed in this legislation are all costly undertakings for the agencies and would no doubt cause an increase in the referral charge. And finally, these changes might also affect other wage and hour laws and exemptions which should be taken into consideration when reviewing this bill.

Navigating the options for homemakers, companions, and direct caregivers can be a very confusing process for consumers and we support every effort to make that decision making process easier and more transparent for consumers. State law currently requires homemaker service and homemaker-companion agency registries to notify a consumer within seven days of providing a referral or placement, that he or she may be considered the employer of the homemaker or companion and thus responsible for withholding applicable taxes or making other payments. We supported this legislation which was passed in 2011 because we thought it would serve a vital role in providing consumers with

the information needed to make an informed decision regarding employment of long term care workers and caretakers in their homes.

**House Bill 5453, An Act Concerning Employers and Home Care Workers**

This bill appears to be an attempt to conform state law with current U.S. Department of Labor regulations concerning payment for sleep time when an employee is on duty for twenty-four hours or more, however the bill is limited to employees working in an employer's home, whereas the federal regulation applies to all employees working twenty-four hours or more, regardless of the place or the employer.

LeadingAge Connecticut has some concerns with the changes to the definition of "employee" in the bill. The proposed definition would include "any individual employed in domestic service in or about a private home." This definition is inconsistent with the definition of employee in Section 31-58(f) of the Connecticut General Statutes, which specifically exempts any domestic employee who is exempt under federal law, such as companions employed directly by an individual. The new definition in this bill would negate the companion exemption applicable to individual employers (as opposed to agency employers) and we believe could have negative consequences for aging individuals and employed companions.

*Please note: An excellent consumer guide entitled, "What Consumers Should Consider When Hiring a Personal Caregiver," was prepared collaboratively by The Home Health Legislative Workgroup of the Connecticut General Assembly and The Connecticut Association for Healthcare At Home and can be found at [cthealthcareathome.org](http://cthealthcareathome.org).*

Thank you for this opportunity to provide this testimony.

Respectfully submitted by Mag Morelli, President, LeadingAge Connecticut

LeadingAge Connecticut, 1340 Worthington Ridge, Berlin, CT 06037 (860)828-2903  
mmorelli@leadingagect.org