

TESTIMONY OF TOM FALIK, ON BEHALF OF
THE CONNECTICUT ASSOCIATION OF HOME CARE REGISTRIES
REGARDING PROPOSED BILL 446
AN ACT CONCERNING THE DEFINITION OF THE TERM "DOMESTIC WORKER"

Good afternoon Senator Holder-Winfield, Representative Tercyak and the other members of the Labor & Public Employees Committee. Thank you for the time to testify on this important issue. My name is Tom Falik. I am here today representing the CT Association of Home Care Registries (CAHCR) regarding SB-446 regarding the definition of a "domestic worker". Our Association is comprised of referral registries that provide independent caregivers to CT's elderly and people with disabilities.

In the 2014 Legislative Session, HB-5527 was passed creating a Domestic Workers Task Force, and requiring that Task Force to report its findings back to the Governor and Legislature by October 1, 2015. To date there has been one public hearing of this Task Force, and I do not believe that there have been any findings or report. In the absence of such findings or report, and with only a single line of drafted language in the current SB-446, it is difficult to know what comments this Committee is looking for in this Public Hearing. However, based on the text of the original proposed language of last year's HB-5527, and certain statements made at the Public Hearing of the Task Force held on November 21, 2014, we would submit the following comments:

1. The Task Force seems to be primarily focusing on incidents of abuse against domestic workers, particularly immigrants (legal and illegal). Historically in CT, domestic workers have been excluded from several CT workplace protections, including laws covering minimum wage, overtime, workers comp and human rights and opportunities statutes. To the extent that the final draft of SB-446 eliminates these exclusions, it would be an appropriate change to protect this class of citizens.

2. Federal and CT law already has numerous provisions regarding the technical requirements of (a) paying minimum wage and overtime, (b) registries and (c) the proper characterization of workers as either employees or independent contractors. We feel that it would be inappropriate for this Bill to interject additional rules regarding these issues, as it would add confusion to an already confusing area at the intersection of Federal and State law.

3. The original HB-5527 created numerous onerous and unreasonable employer responsibilities for families hiring domestic help, including providers of elderly care. These responsibilities included many that the State refuses to impose, due to complexity or financial cost, on small businesses, much less elderly individuals looking for homecare. Any additional requirements beyond the current State workforce laws in these areas should be considered based on the proper balancing of (a) the need to protect domestic workers, and (b) the ability of individuals and families to properly administer and fund any new requirements.

4. The original HB-5527 sought to exempt from the obligations of that Bill several programs of State government that funded domestic services and services to the elderly. We feel that such exclusions are totally inappropriate, and that if the State is going to impose obligations on families, it should be willing bear the same responsibilities to protect domestic workers that it provides. If the State has similar obligations, perhaps legislators will give greater thought to exactly which obligations should be imposed on families.

Thank you for this opportunity to testify. If SB-446 proceeds, we are hopeful that once the actual wording has been proposed, we will have an opportunity to comment on the specifics.