

March 5, 2015

Senate Bill 990
An Act Concerning Consumer Protection
In the Home Care Industry

My name is Ray Boller and I am the owner of a Home Care agency called BrightStar Care of Stamford serving Stamford, Greenwich, Darien and New Canaan.

I am here today to give testimony in support of Senate Bill 990 as revised in the amendment attachment to these comments.

In the five years I have operated my agency I made a decision to hire my caregivers as my employees paying federal and state taxes, unemployment insurance and worker's compensation insurance. While my caregiver staff has grown to 100 caregivers during that time and a payroll of close to \$900,000, I have never regretted my initial decision to follow an employer based model.

I have two sets of "clients" that I serve and need to provide the best customer service possible -my clients and their families and my caregiver staff. My philosophy has always been if I pay attention to my "clients", provide them quality service and protect them, I will increase my chances of success.

Protection is a key concept for this bill:

- Protect the consumer trying to obtain homecare for themselves or a family member by not being forced into becoming an "Accidental Employer". Risks (employee injury on the job) and obligations (taxes, insurance) should be borne by the entity providing or arranging such care.
- Protect the caregiver / worker from having to work in an environment where they may not have a defined backup protection system.

Dealing with registries for home care needs is a tempting proposition. Lower bill rates for the consumer and higher pay rates for the worker. What's not to like -- until that time when the safety nets that consumers and workers thought to be in place don't materialize.

To: Senator Ed Gomes, Representative Peter Tercyak and Members of the Labor Committee
From: Colleen Phelan, Killingworth, CT (colleen.d.phelan@gmail.com)

Testimony in support of:

S.B. 1037 AN ACT CONCERNING EMPLOYEE LIENS AGAINST EMPLOYERS FOR UNPAID WAGES

S.B. 914 AN ACT CONCERNING AN EMPLOYER'S FAILURE TO PAY WAGES

S.B. 106 AN ACT CONCERNING RETALIATION AGAINST IMMIGRANT WORKERS

I work in New Haven, Connecticut as a paralegal and I am a resident of Killingworth, CT. I work primarily on immigration cases not wage cases, but as a volunteer with the immigrant group Unidad Latina en Accion I have seen firsthand the challenges that many immigrants face just to get paid for their work.

I am here today to testify in favor of SB 1037, AN ACT CONCERNING EMPLOYEE LIENS AGAINST EMPLOYERS FOR UNPAID WAGES, SB 914 AN ACT CONCERNING AN EMPLOYER'S FAILURE TO PAY WAGES and SB 106 AN ACT CONCERNING RETALIATION AGAINST IMMIGRANT WORKERS.

I especially want to highlight the importance of SB 1037 which would allow employees to place a lien on the property of their employers if they are owed wages. As someone who works with the Connecticut court system, I know it can be extremely difficult for individuals who are awarded monetary compensation in a lawsuit to collect upon that award and less than 50% of workers are able to collect the amount they are owed. A wage lien is an effective tool that the court can use to ensure that the employer will pay and the employee will collect their hard-earned wages.

A wage lien is a fair pathway for wage violations to be resolved. Honest and law-abiding businesses will not be affected. Only employers who are found to have committed wage theft and who have adequate property on which to place a lien will be subject to pay the wages owed. The employer has the opportunity to defend him or herself against the claim in court. Wage liens do not subject law-abiding employers to any cost or worry.

Honest and law-abiding businesses will see benefits from SB 1037, SB 914 and SB 106, because they will be able to compete on a level playing field. Businesses that pay their workers appropriately and treat

their employees with respect should not have to compete with businesses that cheat their workers. When businesses violate the minimum wage laws, then law-abiding business owners are injured by those undercutting practices.

These updates will bolster the commitment that Connecticut has made to encouraging fair business practices and to protecting the families who find themselves in the situation of wage theft.

It is difficult for a worker to make the decision to take legal action against an employer. SB 1037 will ensure that the worker who was a victim of wage theft will not be going through the court process all for naught. It will substantiate the remedies for victims of wage theft and it will fairly reprimand the business owners who do not respect the existing wage laws.

I urge you to vote yes in favor of updating the Connecticut wage theft laws to allow for liens for victims of wage theft. I'd like to thank you for listening to my testimony today.