

Testimony In Support Of
HB 5237
AN ACT CONCERNING FAIR CHANCE EMPLOYMENT
March 3, 2016

Chairman Gomes, Chairman Tercyak, Sen. Hwang, Representative Rutigliano, Representative Esposito and distinguished members of the Labor and Public Employees Committee:

My name is David Denvir. I am General Counsel for one of Connecticut's largest Homecare employers, Companions and Homemakers, Inc., and I thank you for this opportunity to advocate for amendment to Proposed Bill 5237, amendment that honors the intent of the bill without jeopardizing the safety and well being of Connecticut seniors, and will uphold current Connecticut law requiring background checks for homecare workers.

Current Connecticut law, Title 20, section 678 reads "Each homemaker-companion agency, prior to extending an offer of employment or entering into a contract with a prospective employee, shall require such prospective employee to submit to a comprehensive background check. . . (and) shall require that such prospective employee complete and sign a form which contains questions as to whether the prospective employee was convicted of a crime involving violence or dishonesty. . ."

The proposed bill would require all employers to make an employment offer before conducting a background check. Thus, the bill conflicts with the well-reasoned requirement that homecare workers be subjected to background checks prior to an offer of employment. Moreover, the proposed bill would prohibit a homecare employer from denying employment solely on the basis of prior criminal convictions, even for crimes of violence or dishonesty.

The reasons Connecticut enacted C.G.S. 20-678 are well-founded and clear: persons receiving services from a homemaker-companion agency acquire those services due to physical or mental impairment leaving them vulnerable to exploitation. Physical limitations, Alzheimer's, dementia, and often a lack of a close support network of family or friends leave many of our elderly dependent upon others to help them with matters of great personal intimacy, matters involving banking, personally identifiable information, health and medication. In

such a position of dependence, the senior often may not even know they are being exploited; and, if they do know, may lack the means to take preventative steps or put an end to the abuse. And, though it speaks to the obvious, homecare services are administered in a private home setting. There is often no other person in the home other than the caregiver and client; an atmosphere of privacy that would permit physical or fiscal abuses to go undetected for long periods of time. As a result of these unique factors – dependence, vulnerability and isolation – homecare workers should continue to be screened under the higher standard established by C.G.S. 20-678.

The proposed bill is intended to protect a large and specific section of our society – job applicants with criminal convictions in their past – from the threat of discrimination. Such intent is not realized if it is accomplished by a law that increases the risk of physical abuse, financial abuse or identity theft for an elderly or frail person seeking assistance in their own home.

Homemaker companion agencies should not be subject to a standard that does not permit them to deny homecare employment to someone with criminal convictions for crimes involving dishonesty or violence. Such employers should be exempted from the provisions of this bill; exemption consistent with current Connecticut law.

Respectfully submitted by

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