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Committee on Labor and Public Employees
Testimony Regarding **HB 5237 AN ACT**
CONCERNING FAIR CHANCE EMPLOYMENT

Dear Members of the Committee:

I am here today in Opposition to **HB 5237 AN ACT CONCERNING FAIR CHANCE EMPLOYMENT**

My name is Dennis Patouhas. I am a member of the Connecticut Chapter of the Home Care Association of America—HCAOA. I have been in the Home Care Industry for 15 years as owner of an employment based agency registered with the Department of Consumer Protection

As this bill is presented, there appears to be a wide gulf between a misdemeanor and a felony. Section (c) seems to refer to incidents that were youthful transgressions that could follow the person, perhaps unfairly through life. On the other hand

Felony. A serious crime, characterized under federal law and many state statutes as any offense punishable by death or imprisonment in excess of one year.

Crimes classified as felonies include; treason, arson, murder, rape, robbery, murder, manslaughter and kidnapping.

Assault of elderly person carries min. 5 years

Section (n) of this bill provides “Notwithstanding the provisions of subsections (b) to (i), inclusive, of this section an employer may require an employee or prospective employee to disclose the existence of any arrest, criminal charge or conviction if such disclosure is required under any applicable state or federal law”.

Below is the requirement of home care agencies registered with the Department of Consumer Protection in Connecticut.

Sec. 20-678. Employees of homemaker-companion agencies. Submission to comprehensive background check. Written statements regarding prior criminal convictions or disciplinary action. Each homemaker-companion agency shall require that any employee of such agency hired on or after October 1, 2006, submit to a

comprehensive background check. In addition, each homemaker-companion agency shall require that any employee of such agency hired on or after October 1, 2006, complete and sign a form which contains questions as to whether the current or prospective employee was convicted of a crime involving violence or dishonesty in a state court or federal court in any state; or was subject to any decision imposing disciplinary action by a licensing agency in any state, the District of Columbia, a United States possession or territory or a foreign jurisdiction. Any employee of a homemaker-companion agency hired on or after October 1, 2006, who makes a false written statement regarding such prior criminal convictions or disciplinary action shall be guilty of a class A misdemeanor.

However, despite the ability to ask and answer the questions, the Home Care Industry is prohibited from using such facts to not hire someone who may have been convicted of acts that are abusive of the very people our industry is servicing and protecting.

While this law requires our industry to look past a felony conviction in hiring an applicant to care for an elderly person, nowhere does it hold us harmless for the consequences that hiring said individual may cause. If an act is perpetrated against an elderly person, by the time it reaches the press, they will likely have statements from several people who knew the perpetrator and will likely reveal that everyone knows the person was accused of or convicted of a serious crime. Who bears the burden and the blame for permitting such a hire? Saying the law made us do it, does not make it in the eyes of the person injured or to the public.

Section (i) has a number of carve outs. Aside from positions in law enforcement, all other professions excluded are in the financial services field. What about nurses, teachers, day care workers, home care providers and any other profession that deals with the frail or vulnerable?

I believe that this bill does not solve a problem it creates one.