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February 23, 2016

Committee on Labor and Public Employees
Testimony Regarding HB 5260 AN ACT CONCERNING DOMESTIC SERVICE AND
OVERTIME PAY

Dear Members of the Committee:

I am Kenneth Gurin, President of the Connecticut Chapter of the Homecare Association of America and owner of Comfort Keepers, an employer based Homemaker and Companion agency servicing Upper Fairfield /Lower New Haven counties.

I am in SUPPORT of HB 5260 AN ACT CONCERNING DOMESTIC SERVICE AND OVERTIME PAY with the following exceptions:

Third Party Employers (Line 77)

As noted within the Task Force on Domestic Workers Report dated January 13, 2016, the majority of abuse to domestic workers occurs in the privately employed sector. Creating this change to broaden the scope of this law to other than third party employers would further push employment underground and enable those who should be abiding by the rules governing obligations of an employer to potentially circumvent that obligation. The result would injure the worker and denying both Connecticut and the Federal Government of revenues all other employers are required to comply with. One of the compelling reasons for our choosing a business that treats the caregiver as an employee is to provide that degree of worker protection. Since the advent of employee based home care agencies, the recognition of the worker and their rights continues to be heightened. To permit this to backslide is a disservice to those who do this much needed work. We concur with supporters of the Domestic Employee Bill of Rights that seek to encourage the inclusion of labor standards consistent with other covered workers and address those areas of worker exploitation.

Consecutive Sleep Time (Line 88)

The requirement of consecutive sleep time is counter to the National FLSA law which permits cumulative time. To do otherwise, would subject the client to be overly burdened with charges for as much as an additional 8 hours of time at what is probably overtime for simple tasks such as to get a glass of water or needing an arm to steady the client to get to the bathroom. Inserting "consecutive" for hours of sleep time will considerably limit the use of sleep deductions. Moreover, the concept of "consecutive hours" remains undefined, adding confusion as to how this is applied.

Thank you for your consideration in reading my above testimony.

Sincerely,

Kenneth Gurin
Owner