



UNITARIAN UNIVERSALIST SOCIETY: EAST

153 West Vernon Street
Manchester, CT 06042-2209

860 646-5151
Fax: 860 649-1565
uuse153@sbcglobal.net
www.uuse.org

The Rev. Joshua Pawelek
Minister



UNITARIAN
UNIVERSALIST
ASSOCIATION OF
CONGREGATIONS

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Members of the Labor and Public Employees Committee:

I am the Rev. Josh Pawelek, minister of the Unitarian Universalist Society: East in Manchester, and a resident of Glastonbury. I am writing to express my concerns about House Bill 5260, “An Act Concerning Domestic Service and Overtime Pay.” In short, I urge you to oppose this bill in order to retain the current rights of Personal Care Assistants (PCAs) and to prevent them from being forced to agree to new “free time” pay cuts. Any further erosion of the employment rights of PCAs 1) risks destabilizing the home care industry at a time when Connecticut needs a highly stable and increasingly professional PCA workforce, and 2) unfairly penalizes a class of workers who are predominantly women, immigrants, and people of color. As a pastor I have the opportunity to visit elderly members of my congregation who employ PCAs in their homes. From this experience I know that weakening the rights and earning power of PCAs leads to an overall poorer quality of care. Let’s strengthen these jobs, not weaken them, so that elders and people with disabilities in CT who employ PCAs can be assured they are receiving the highest quality care possible.

Last year PCAs secured new rights from changes to federal fair labor standards as well as the passage of a Domestic Worker Bill of Rights in our state. As I read it, HB 5260 is a deceptively written attempt to roll back these gains. It specifically targets PCAs who are not represented by organized labor. The bill would amend the definition of “Hours Worked” in the current Connecticut statutes to allow employers to:

- count some work hours as unpaid time;
- lower worker pay;
- deny workers pay for time they spend at the workplace that they cannot realistically use for personal purposes;
- encourage employers to make workers sign an agreement accepting these take-backs to get or keep a job;
- roll back last year's newly-won overtime rights.

As written, HB 5260 seeks to benefit third-party employers such as for-profit home care agencies, by allowing them *not* to pay PCAs for part of a 24-hour shift **if the employer signs an agreement with the worker** deducting “hours worked” for a variety of reasons. These are workers whose job duties require them to be on premises, and who are not free from obligations since the employer requires ‘live-in’ care. Even if the PCA is theoretically allowed to leave the employer’s home for a short time, it may be at a significant distance

from her home and/or she may have no means of transportation. She cannot effectively use this “free” time to spend with family or attend to other personal needs, yet it is entirely foreseeable that an agency would require her to agree to count such time as unpaid time. This is not fair.

Furthermore, the proposed signed agreement **makes it harder for PCAs to understand and assert their rights**. A PCA may assume she has no right to be paid during ‘free’ time she spends with the employer, because she has signed the agreement. Since HB 5260 encourages employers to make PCAs sign an agreement to get or keep a job, home care industry groups would be able to counsel home care agencies to require PCAs to sign boilerplate agreements to exclude some work time from pay to reduce labor costs and limit liability. Again this is unfair to PCAs.

A bill that erodes PCA wages and rights does not improve the quality of their employment or the care they provide; and it likely will impact job retention. High turnover prevents PCAs from gaining experience in best care practices for an increasingly aging population, an issue that will only become more crucial as the number of elders who wish to age with dignity in their own homes continues to rise. For these reasons I oppose HB 5260, and I urge you to oppose it as well. Let’s focus on strengthening PCA jobs, not weakening them.

Respectfully submitted,

The Rev. Joshua Mason Pawelek