

**TESTIMONY OF TOM FALIK, ON BEHALF OF**  
**THE CONNECTICUT ASSOCIATION OF HOME CARE REGISTRIES**  
**REGARDING RAISED BILL 5260**  
**AN ACT CONCERNING DOMESTIC SERVICE AND OVERTIME PAY**

Good afternoon Senator Gomes, Representative Tercyak and the other members of the Labor & Public Employees Committee. Thank you for the opportunity to provide testimony on this important issue. My name is Tom Falik, and I am the president of the CT Association of Home Care Registries (CAHCR). Our Association is comprised of Referral Registries that are registered with the DCP, and provide independent caregivers and healthcare professionals, such as RN's and LPN's, to CT's seniors and people with disabilities.

Raised Bill 5260 regarding Domestic Service and Overtime Pay proposes certain amendments to the definition of "hours worked" in the case of "domestic service employment" for not less than 24 hours.

1. It corrects what we have been asserting were drafting errors in Public Act 14-159, which previously broadened the CT sleep-time exemption for live-in caregivers, by now:
  - a. Applying the sleep-time exemption to all employers of live-in caregivers, not just "third-party providers"; and
  - b. Covering all "domestic service employment" (as defined by the FLSA), not just "companionship services".
2. It also adopts the Federal exclusions from "hours worked" for "meal time and other periods of complete freedom from all duties when the employee may either leave the premises or stay on the premises for purely personal pursuits".

CAHCR supports these revisions and applauds the efforts to make CT statutes more consistent with Federal statutes and regulations in this area.

However, this Bill proposes one additional amendment to the statute which we feel is unwise. PA 14-159 created a sleep-time exclusion of up to 8 hours per night; provided the employee was able to achieve at least 5 hours of sleep. If the employee achieved less than 5 hours of sleep in a night, the entire sleep time would be included in "hours worked". This was similar to the Federal sleep-time provisions.

This Bill changes the requirement from "5 hours of sleep" to "5 *consecutive* hours of sleep". We oppose this change because we believe that (1) it is not realistic for caregivers who are caring for elderly clients to regularly have 5 consecutive hours of sleep, and (2) this requirement would be impossible to administer. It is certainly the norm for an elderly person needing live-in care to have to go to the bathroom at least once or twice per night. Frankly, that is probably also necessary for the majority of the caregivers themselves, even if they weren't assisting an elderly person. It makes no sense for normal nighttime bathroom breaks to prevent consumers from excluding sleep-time from the definition of "hours worked". If truly enforced, this requirement would effectively eliminate the live-in exclusion for sleep-time in most cases.

Except for the deletion of the word "consecutive" as previously mentioned, CAHCR fully supports RB 5260.

Thank you for this opportunity to appear before this Committee. I suspect we will be visiting again soon on other proposed legislation.