



Connecticut Chapter

Senate Bill 393, An Act Concerning Domestic Workers

Labor and Public Employees Committee

March 8, 2016

The Home Care Association of America was founded on the principle that quality private duty home care has one model of care: to employ, train, monitor and supervise caregivers; create a plan of care for the client; and work toward a safe and secure environment for the person at home. Members of the Home Care Association of America, Connecticut Chapter employ several thousand caregivers providing quality care to thousands of elderly consumers across the state.

The Chapter is comprised of employer-based home care agencies that support the rights of employees. Employer-based agencies comply with federal and state laws and are responsible for conducting background checks and payment of workers' compensation and unemployment insurance, payroll taxes and compliance with wage and hour laws.

Domestic workers employed by third-party agencies are considered employees. They receive W-2 forms and are paid minimum wage and overtime. They receive employee benefits and protections that are the equal of all industries, such as workers' compensation and unemployment insurance, access to FMLA and health insurance coverage (depending upon the size of the employer), and regulatory oversight by the Department of Consumer Protection, federal and state Departments of Labor, and OSHA.

Recent changes to the Fair Labor Standards Act significantly increased take-home wages paid to domestic workers, a cost increase that homecare recipients and providers are still struggling to absorb. The additional requirements in Senate Bill 393 would increase the cost of home care in Connecticut to unsustainable levels and make it unaffordable for many families, forcing many of our seniors into residential nursing facilities. This is contrary to the state's policy and well-promoted efforts to transition seniors from residential care to homecare. In turn, this will increase the cost of care and the demand on state Medicaid funding, resulting in fewer seniors receiving assistance, at higher costs, and the elimination of many good-paying jobs.

Alternatively, the Chapter would support the recommendations of the minority report of the Domestic Workers Task Force.

In particular, with respect to registries, the Chapter supports the recommendation of the task force that domestic worker registries should be considered joint employers for purposes of workers' compensation and unemployment insurance taxes. The Chapter also supports additional amendment to regulations affecting the registry model of domestic worker employment.

As the minority report indicates, the registry model promotes – for a fee paid to the registry – self-directed domestic worker employment, the employment model where domestic worker abuse has been found. “Further **regulation holding Registries to the same employment compliance standards required of Agency employers of domestic workers (such as proper payroll withholding, unemployment and workers’ compensation coverage, applicable FMLA, CHRO, Affordable Care Act and other benefits) would significantly reduce domestic worker abuse.** If all domestic worker employer models are held to equal standards, all domestic workers will receive equal protections.”

Please contact David L. Denvir, President of the Home Care Association of America, Connecticut Chapter, at (800) 348-4663, ext. 7799, for any questions or additional information.