



General Assembly

February Session, 2016

Raised Bill No. 5368

LCO No. 1506



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

AN ACT CONCERNING HOMEMAKER SERVICES AND HOMEMAKER COMPANION AGENCIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective January 1, 2017*) For purposes of chapter
2 567 of the general statutes, a homemaker-companion agency, as
3 defined in section 20-670 of the general statutes, registry, as defined in
4 section 20-670 of the general statutes, or homemaker-home health aide
5 agency, as defined in section 19a-490 of the general statutes, shall be
6 deemed the employer of any individual such agency or registry
7 supplies or refers to a consumer, as defined in section 3 of this act, to
8 provide (1) homemaker services, as defined in section 20-670 of the
9 general statutes, (2) companion services, as defined in section 20-670 of
10 the general statutes, or (3) homemaker-home health aide services, as
11 defined in section 19a-490 of the general statutes, and such agency or
12 registry shall be liable for the payment of unemployment contributions
13 for such individual during the duration of time he or she provides said
14 services to the consumer.

15 Sec. 2. (NEW) (*Effective January 1, 2017*) For purposes of chapter 558

16 of the general statutes, a homemaker-companion agency, as defined in
17 section 20-670 of the general statutes, registry, as defined in section 20-
18 670 of the general statutes, or homemaker-home health aide agency, as
19 defined in section 19a-490 of the general statutes, shall be deemed the
20 employer of any individual such agency or registry supplies or refers
21 to a consumer, as defined in section 3 of this act, to provide (1)
22 homemaker services, as defined in section 20-670 of the general
23 statutes, (2) companion services, as defined in section 20-670 of the
24 general statutes, or (3) homemaker-home health aide services, as
25 defined in section 19a-490 of the general statutes, and such agency or
26 registry shall be responsible for the payment of wages to such
27 individual during the duration of time he or she provides said services
28 to the consumer.

29 Sec. 3. (NEW) (*Effective January 1, 2017*) (a) As used in this section:

30 (1) "Homemaker-companion agency" means homemaker-
31 companion agency, as defined in section 20-670 of the general statutes;

32 (2) "Registry" means registry, as defined in section 20-670 of the
33 general statutes;

34 (3) "Homemaker-home health aide agency" means homemaker-
35 home health aide agency, as defined in section 19a-490 of the general
36 statutes;

37 (4) "Homemaker services" means homemaker services, as defined in
38 section 20-670 of the general statutes;

39 (5) "Companion services" means companion services, as defined in
40 section 20-670 of the general statutes;

41 (6) "Homemaker-home health aide services" means homemaker-
42 home health aide services, as defined in section 19a-490 of the general
43 statutes;

44 (7) "Consumer" means an individual receiving homemaker services,

45 companion services or homemaker-home health aide services from a
46 homemaker-companion agency, registry or homemaker-home health
47 aide agency; and

48 (8) "Covered provider" means a homemaker-companion agency,
49 registry or homemaker-home health aide agency providing
50 homemaker services, companion services or homemaker-home health
51 aide services.

52 (b) For purposes of chapter 568 of the general statutes, any
53 individual a covered provider supplies or refers to a consumer to
54 provide homemaker services, companion services or homemaker-
55 home health aide services shall be deemed an employee of (1) such
56 covered provider, except as provided in subdivision (2) of this
57 subsection, and such covered provider, regardless of the number of
58 hours the individual works, shall be liable for compensation under
59 chapter 568 of the general statutes for such individual during the
60 duration of time he or she provides said services to the consumer, and
61 (2) such consumer solely for the purposes of subsection (a) of section
62 31-284 of the general statutes, and such consumer shall be deemed to
63 be in compliance with subsection (b) of said section, except that the
64 requirements of subsection (b) of said section shall be the
65 responsibility of the covered provider.

66 (c) The consumer's exemption from liability under subsection (a) of
67 section 31-284 of the general statutes, including any liability for third-
68 party lawsuits commenced pursuant to subsection (a) of section 31-293
69 of the general statutes, shall be extended to (1) members of the
70 consumer's immediate family or household, and (2) any individual
71 acting as a conservator of the person, as defined in section 45a-644 of
72 the general statutes or acting under other legal authority to make
73 decisions for the consumer regarding their medical or personal care.

74 Sec. 4. Subdivision (9) of section 31-275 of the general statutes is
75 repealed and the following is substituted in lieu thereof (*Effective*

76 *January 1, 2017*):

77 (9) (A) "Employee" means any person who:

78 (i) Has entered into or works under any contract of service or
79 apprenticeship with an employer, whether the contract contemplated
80 the performance of duties within or without the state;

81 (ii) Is a sole proprietor or business partner who accepts the
82 provisions of this chapter in accordance with subdivision (10) of this
83 section;

84 (iii) Is elected to serve as a member of the General Assembly of this
85 state;

86 (iv) Is a salaried officer or paid member of any police department or
87 fire department;

88 (v) Is a volunteer police officer, whether the officer is designated as
89 special or auxiliary, upon vote of the legislative body of the town, city
90 or borough in which the officer serves;

91 (vi) Is an elected or appointed official or agent of any town, city or
92 borough in the state, upon vote of the proper authority of the town,
93 city or borough, including the elected or appointed official or agent,
94 irrespective of the manner in which he or she is appointed or
95 employed. Nothing in this subdivision shall be construed as affecting
96 any existing rights as to pensions which such persons or their
97 dependents had on July 1, 1927, or as preventing any existing custom
98 of paying the full salary of any such person during disability due to
99 injury arising out of and in the course of his or her employment;

100 (vii) Is a member of the armed forces of the state while in the
101 performance of military duty, whether paid or unpaid for such
102 military duty, in accordance with the provisions of section 27-17, 27-18
103 or 27-61; or

104 (viii) Is elected to serve as a probate judge for a probate district
105 established in section 45a-2.

106 (B) "Employee" shall not be construed to include:

107 (i) Any person to whom articles or material are given to be treated
108 in any way on premises not under the control or management of the
109 person who gave them out;

110 (ii) One whose employment is of a casual nature and who is
111 employed otherwise than for the purposes of the employer's trade or
112 business;

113 (iii) A member of the employer's family dwelling in his house; but,
114 if, in any contract of insurance, the wages or salary of a member of the
115 employer's family dwelling in his house is included in the payroll on
116 which the premium is based, then that person shall, if he sustains an
117 injury arising out of and in the course of his employment, be deemed
118 an employee and compensated in accordance with the provisions of
119 this chapter;

120 (iv) [Any] Except as provided in section 3 of this act, any person
121 engaged in any type of service in or about a private dwelling provided
122 he is not regularly employed by the owner or occupier over twenty-six
123 hours per week;

124 (v) An employee of a corporation who is a corporate officer and
125 who elects to be excluded from coverage under this chapter by notice
126 in writing to his employer and to the commissioner; or

127 (vi) Any person who is not a resident of this state but is injured in
128 this state during the course of his employment, unless such person (I)
129 works for an employer who has a place of employment or a business
130 facility located in this state at which such person spends at least fifty
131 per cent of his employment time, or (II) works for an employer
132 pursuant to an employment contract to be performed primarily in this

133 state.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2017</i>	New section
Sec. 2	<i>January 1, 2017</i>	New section
Sec. 3	<i>January 1, 2017</i>	New section
Sec. 4	<i>January 1, 2017</i>	31-275(9)

Statement of Purpose:

To designate a homemaker-companion agency, registry or homemaker-home health agency as the employer of an individual providing certain services to consumers for the purposes of unemployment compensation, wages and workers' compensation and to remove liability for such individual's personal injuries arising out of and in the course of employment from the consumer.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]