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Committee on Labor and Public Employees
Testimony Regarding **HB 5237 AN ACT CONCERNING FAIR CHANCE EMPLOYMENT**

Dear Members of the Committee:

I am Kenneth Gurin, former President of the Connecticut Chapter of the Homecare Association of America (HCAOA) for the past 5 years. I am also the owner of Comfort Keepers, an employer based Homemaker and Companion agency registered with the CT Department of Consumer Protection, in business for over 13 years, servicing Upper Fairfield /Lower New Haven counties.

I am here today in **OPPOSITION** of **HB 5237 AN ACT CONCERNING FAIR CHANCE EMPLOYMENT** and request that the Committee not act on the bill as written. At the very least, homemaker-companion agencies should be excluded from the bill before the bill is approved.

Currently, there is the requirement of conducting a "Comprehensive Background Check" of home care agencies registered with the Department of Consumer Protection in Connecticut, as follows:

Sec. 20-678. Employees of homemaker-companion agencies. Submission to comprehensive background check. Written statements regarding prior criminal convictions or disciplinary action. Each homemaker-companion agency shall require that any employee of such agency hired on or after October 1, 2006, submit to a comprehensive background check. In addition, each homemaker-companion agency shall require that any employee of such agency hired on or after October 1, 2006, complete and sign a form which contains questions as to whether the current or prospective employee was convicted of a crime involving violence or dishonesty in a state court or federal court in any state; or was subject to any decision imposing disciplinary action by a licensing agency in any state, the District of Columbia, a United States possession or territory or a foreign jurisdiction. Any employee of a homemaker-companion agency hired on or after October 1, 2006, who makes a false written statement regarding such prior criminal convictions or disciplinary action shall be guilty of a class A misdemeanor.

Moreover, as part of a franchise, our agreement with our franchisor, requires we do a 7 year criminal background check, that covers all known areas where the applicant has lived during the most recent 7 year period. If House Bill 5237 becomes law, we would be in violation of our franchise agreement. Moreover, we would be at risk of losing our liability and bonding insurance if we knowingly placed a caregiver with a prior and

recent history of larceny stole from a client in which the agency knew about the criminal history and did not deny employment.

House Bill 5237 would prevent employers from requiring certain employees or prospective employees to disclose any criminal history until the employer has made a conditional offer of employment to the employee or prospective employee. It would effectively bar employers from asking about criminal convictions until prospective workers have already reached the interview stage.

The bill would prohibit homemaker-companion agencies from denying employment solely on the basis of a misdemeanor conviction that occurred more than two years earlier or a felony conviction that occurred more than five years earlier. State law requires homemaker-companion agencies to inquire of applicants whether they have been convicted of a crime involving violence or dishonesty. Under the bill, homemaker-companion agencies would be required to make the inquiry but precluded from denying employment solely on the basis of the conviction – even if the conviction was in fact for violence or dishonesty. It is an inherent conflict with state law and policy and puts homemaker-companion agencies in an untenable position with frail, elderly clients.

Current law and the bill allow an employment application form that contains criminal history record information of a job applicant to be made available to professionals who have access to client funds, such as broker-dealers, investment advisers and insurance producers, for obvious reasons. Homemaker-companion agencies, for similar and perhaps more important reasons, should also be able to have and use such information.

The Labor Committee should reject House Bill 5237. However, if the committee approves the bill, homemaker-companion agencies should be exempt or excluded from its application.

Thank you for your consideration in hearing my testimony today.

Sincerely,

Kenneth Gurin