



March 8, 2016

The Honorable Edwin Gomes and The Honorable Peter Tercyak
Co-Chairs
Labor and Public Employees Committee
Legislative Office Building, Room 3800
Hartford, CT 06106

Dear Co-Chair Gomes, Co-Chair Tercyak and Members of the Committee:

On behalf of the members of the Home Care Association of America (HCAOA), I write to represent the views of home care providers across the nation and our members in the State of Connecticut who respectfully request that the Labor and Public Employees Committee approve HB 5368, an Act Concerning Homemaker Services and Homemaker Companion Agencies. HCAOA is a national organization representing providers of private duty home care services. It was founded on the principle that quality private duty home care has one model of care and that model is 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.

As one of the fastest growing industries in the United States, caregiving provides hundreds of thousands of Americans a gateway to successful careers. Home care jobs equip workers with vital skills and the training, support and safe working environment needed to develop and advance. HCAOA represents high-quality home care companies – employers that support their caregivers and provide them with professional growth opportunities.

HB 5368 designates homemaker-companion agencies and registries as employers of individuals providing home care services to consumers for the purposes of unemployment compensation, wages and workers' compensation. HCAOA believes the bill would help protect workers and consumers of home care services, including seniors and individuals with disabilities. We believe it is also consistent with state policy in that it would help address worker misclassification in the home care industry.

The Fair Labor Standards Act (FLSA) requires home care providers who follow an employer-based model to provide for unemployment insurance coverage and workers' compensation to ensure that workers are not being taken advantage of and to ensure that consumers are not put at risk. Independent contractors and registries who hold themselves out as home care providers in the community can get around this law by misclassifying their workers - putting both the worker and the consumer at considerable risk.

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HCAOA member companies provide workers' compensation in the case of an injury on the job. Many consumers who directly hire caregivers are unaware that they are required to pay compensation if a hired caregiver is injured in their home – or incorrectly assume that this type of injury is covered by homeowner's insurance. This could cause the caregiver to be left with no help for a devastating injury.

As the Committee considers HB 5368 we urge you to keep home care workers and consumers in the forefront of your consideration. In particular, consider if it was your loved one who required a caregiver to come in to their home to provide assistance with activities of daily living, would you want to worry about whether the worker was covered by unemployment insurance and workers compensation by their employer? Or rather would you want your them to have to worry about whether they were liable themselves for such costs?

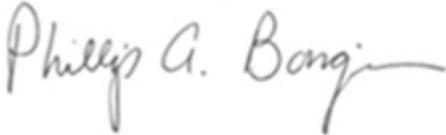
Additionally, federal and state governments lose much needed tax revenue when misclassified home care workers fail to pay their appropriate level of income and payroll taxes as well. Seniors, individuals with disabilities and their families are also harmed by worker misclassification because they may find themselves liable for back taxes and penalties when their situation is discovered and remedied.

HCAOA also respectfully requests that the Committee reject two other bills relating to the delivery of home care services. SB 393, An Act Concerning Domestic Workers, contains provisions that we feel would add significantly to the cost of providing home care services in the State of Connecticut. While we appreciate the work of the Domestic Workers Task Force, we urge the Committee to reject this bill at this time.

SB 221, An Act Concerning Paid Family and Medical Leave, will let employees receive up to twelve weeks of paid leave within any twelve-month period. As a shortage of home workers already exists, the impact of SB 221 would further erode the ability of home care providers to offer services to the community and significantly add to consumer costs.

Thank you for this opportunity to allow HCAOA to provide comments on the above legislation. For more information on access to high quality home care services or if you have any questions regarding our comments. please contact me at 202-508-3870 or via email at phil@hcaoa.org.

Sincerely,



Phil Bongiorno
Executive Director