

# Labor and Public Employees Committee

## JOINT FAVORABLE REPORT

**Bill No.:** HB-5478

AN ACT CONCERNING TECHNICAL AND MINOR CHANGES TO THE LABOR

**Title:** DEPARTMENT STATUTES.

**Vote Date:** 3/20/2018

**Vote Action:** Joint Favorable Substitute

**PH Date:** 3/13/2018

**File No.:**

***Disclaimer:** The following Joint Favorable Report is prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and does not represent the intent of the General Assembly or either chamber thereof for any purpose.*

### SPONSORS OF BILL:

Labor and Public Employees Committee

### REASONS FOR BILL:

The Labor statutes need minor changes. The Department of Labor submitted recommendations to be implemented.

**\*\*Substitute Language (LCO #2960):** (1) allows the director, rather than the commissioner, to designate authority to enter employers' businesses and (2) makes technical changes.

### RESPONSE FROM ADMINISTRATION/AGENCY:

**Scott Jackson, Commissioner, CT Department of Labor:** This bill adds a definition of "pre-apprentice" to codify in statute the kind of work a pre-apprentice is allowed to perform. It will bring efficiencies to the wage investigation process. These investigations will give the Labor Commissioner's designee the flexibility to send either a Wage Enforcement Agent or Wage and Hour Investigator to conduct the investigation. It would also allow the DOL to utilize a method of computation of the unemployment insurance maximum weekly benefit rate that more accurately reflects the average wages paid in CT. It also repeals two reports, a committee and a board that all have been rendered obsolete by the Workforce Innovation and Opportunity Act (WIOA).

### NATURE AND SOURCES OF SUPPORT:

**Ray Boller, Chairman, Home Care Association of America CT:** Mr. Boller requested an amendment to the bill. Currently, employees providing companionship services agree to

exclude regularly scheduled sleep periods from work hours if it is required they be present for 24 consecutive hours. This bill would allow any home care company's employees performing "domestic service employment" as defined in federal regulations, to also be included in these agreements. Domestic service employment includes services of a household nature performed in or about a private home, including services performed by companions. It would conform state law to federal regulations and allow home care companies to remain competitive.

**William Geiger, Chief Operating Officer, Companions and Homemakers, Inc.:**

Mr. Geiger suggests an amendment that would implement the precise, word for word recommendations contained within the report of the Legislative Domestic Worker Taskforce, chaired by Sen. Gomes. It changes the "sleep time" law. This is a 'technical' change. CT attempted to pass a "sleep time" law in 2014, but an unintended error resulted in a law that would have no effect. Without the change, employers could be subject to claims that time spent sleeping in a homecare setting is compensable time. This would require reimbursement for every hour of every day and exceed the cost cap which would end home and community based live-in care as we know it.

**NATURE AND SOURCES OF OPPOSITION:**

None submitted.

**Reported by: Marie Knudsen**

**Date: March 26, 2018**