AN ACT CONCERNING DOMESTIC WORKERS.

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

Section 1. Section 31-71f of the general statutes is repealed and the following is substituted in lieu thereof (Effective January 1, 2020):

(a) Each employer shall: (1) Advise his employees in writing, at the time of hiring, of the rate of remuneration, hours of employment and wage payment schedules, and (2) make available to his employees, either in writing or through a posted notice maintained in a place accessible to his employees, any employment practices and policies or change therein with regard to wages, vacation pay, sick leave, health and welfare benefits and comparable matters.

(b) Each employer employing a domestic worker, as defined in section 3 of this act, shall advise the domestic worker in writing, at the time of hiring, of: (1) The rate of remuneration, hours of employment and wage payment schedules; (2) the job duties and responsibilities; (3) the availability of sick leave, days of rest, vacation, personal days and holidays, and whether such days are paid or unpaid, and the rate at which such days accrue; (4) necessary or required modes of transportation, and whether such transportation is provided, paid or reimbursed; (5) the availability of health insurance, and whether it is paid or reimbursed; (6) any applicable severance, yearly raises or other forms of compensation; (7) whether the employer may charge any fees or costs for board and lodging; and (8) any other rights afforded to such domestic worker under the provisions of this section, section 53-303e, as amended by this act, and sections 3 to 5, inclusive, of this act.
Sec. 2. Section 53-303e of the general statutes is repealed and the following is substituted in lieu thereof (Effective January 1, 2020):

(a) (1) No employer shall compel any employee (A) engaged in any commercial occupation, [or] (B) engaged in the work of any industrial process, or (C) employed as a domestic worker, as defined in section 3 of this act, to work more than six days in any calendar week. An employee's refusal to work more than six days in any calendar week shall not constitute grounds for his or her dismissal.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, a domestic worker may work seven days in any calendar week provided (A) the domestic worker and his or her employer agree, in writing, to such schedule, and (B) the domestic worker is compensated at the appropriate rate, including the overtime rate, if applicable.

(b) Any employee, who believes that his or her discharge was in violation of subsection (a) of this section may appeal such discharge to the State Board of Mediation and Arbitration. If said board finds that the employee was discharged in violation of said subsection (a), it may order whatever remedy will make the employee whole, including but not limited to, reinstatement to his or her former or a comparable position.

(c) Any person who violates any provision of this section shall be fined not more than two hundred dollars.

Sec. 3. (NEW) (Effective January 1, 2020) (a) For the purposes of this section and sections 4 and 5 of this act:

(1) "Domestic worker" means any individual or employee who is paid or who is told he or she will be paid to perform work of a domestic nature in or about a private dwelling, including, but not limited to, housekeeping, home management, child care, caretaking of individuals, including sick, convalescing and elderly individuals, laundering, meal preparation, home companion services and other
household services for occupants of the private dwelling or the guests of such occupants. "Domestic worker" does not include (A) a babysitter whose employment is irregular and intermittent or of a casual nature, or (B) a personal care attendant providing services pursuant to a state-funded program, including, but not limited to, (i) the program for individuals with acquired brain injuries, established pursuant to section 17b-260a of the general statutes, (ii) the personal care assistance program, established pursuant to section 17b-605a of the general statutes, (iii) the Connecticut home care program for the elderly, established pursuant to section 17b-342 of the general statutes, (iv) the pilot program to provide home care services to disabled persons, established pursuant to section 17b-617 of the general statutes, (v) the individual and family support waiver program administered by the Department of Developmental Services, and (vi) the comprehensive waiver program administered by the Department of Developmental Services;

(2) "Employer" means any owner or any person, partnership, corporation, limited liability company or association of persons acting directly as, or on behalf of, or in the interest of an employer in relation to a domestic worker and shall include for the purposes of chapter 567 of the general statutes a (A) homemaker-companion agency, as defined in section 20-670 of the general statutes, (B) registry, as defined in section 20-670 of the general statutes, or (C) homemaker-home health aide agency, as defined in section 19a-490 of the general statutes, that refers a domestic worker to a consumer to provide (i) homemaker services, (ii) companion services, or (iii) homemaker-home health aide services;

(3) "Consumer" means an individual receiving homemaker services, companion services or homemaker-home health aide services from a homemaker-companion agency, registry or homemaker-home health aide agency;

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

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

(7) "Live-in domestic worker" means a domestic worker who resides in or about an employer's private dwelling for at least four consecutive twenty-four-hour periods during at least two consecutive weeks within one calendar year;

(8) "Full-time employment" means an average working period of forty hours or more per week within the previous month; and

(9) "Part-time employment" means an average working period of less than forty hours per week within the previous month.

(b) No employer shall (1) restrict or interfere with a domestic worker's private communications that are made when the domestic worker is not expected to be working, (2) seize, search or inspect the domestic worker's personal belongings, or (3) engage in any conduct against a domestic worker that violates subsection (a) of section 53a-192a of the general statutes or any other section of the general statutes.

(c) No employer of a live-in domestic worker shall enter a live-in domestic worker's designated living area in or about the employer's private dwelling without such live-in domestic worker's informed and voluntary consent, except that the employer may enter such designated living area if emergency repairs are required, if (1) securing such live-in domestic worker's consent within a reasonable time is not feasible, and (2) the employer provides notice to the live-in domestic worker that the employer entered the live-in domestic worker's designated living area to conduct such emergency repairs within a reasonable time after doing so.

(d) No employer of a domestic worker shall monitor a domestic worker's activities or communications by any means other than direct
observation, including the use of a computer, telephone, wire, radio, camera or electromagnetic, photoelectronic or photo-optical systems, without such domestic worker's informed and voluntary consent, except that an employer may use such devices to monitor a domestic worker while he or she is performing care-giving tasks, including, but not limited to, babysitting, child care and caretaking of sick, convalescing or elderly individuals.

(e) A domestic worker who is required to utilize cleaning products as part of his or her employment shall have the right to (1) alert his or her employer to health hazards and allergies that the domestic worker believes to be related to these cleaning products, (2) negotiate with his or her employer regarding the substitution of alternative cleaning products, and (3) substitute cleaning products he or she believes to be less harmful to his or her health, or to the health of others, except where the employer can demonstrate medical necessity for the use of a particular cleaning product.

(f) (1) Except as otherwise provided in subdivision (2) of this subsection, if a domestic worker has been employed by an employer for a period of ninety days or longer, such employer shall provide the domestic worker with written notice prior to the termination of employment. Such notice shall be provided not less than seven days prior to the effective date of such termination, except that, if such domestic worker is a live-in domestic worker, such notice shall be provided not less than fourteen days prior to the effective date of such termination.

(2) If a domestic worker has been employed by an employer for a period of ninety days or longer, such employer may terminate such domestic worker's employment immediately and without written notice, provided such employer compensates such domestic worker at a rate not less than the amount the domestic worker would have earned had the employer continued to employ such domestic worker after providing notice of such termination pursuant to subdivision (1) of this subsection.
(g) The provisions of subsection (f) of this section shall not apply to any employer who terminates a domestic worker due to the domestic worker's wilful misconduct in the course of his or her employment. For the purposes of this subsection, "wilful misconduct" means deliberate misconduct in wilful disregard of the employer's interest and includes any abuse, assault or other harmful or destructive conduct committed by the domestic worker against the employer, the employer's possessions, members of the employer's family, guests or other individuals residing in or about the employer's private dwelling.

(h) Compensation provided in lieu of notice of termination pursuant to subdivision (2) of subsection (f) of this section shall be provided upon termination of the domestic worker's employment. Such compensation shall not release an employer from any obligation to make payments as may be necessary to comply with chapter 567 of the general statutes or any other applicable municipal, state or federal law.

Sec. 4. (NEW) (Effective January 1, 2020) No employer shall discharge, discipline, penalize, retaliate against or in any manner discriminate against a domestic worker because such domestic worker has (1) complained to the employer, an authorized representative of the domestic worker or any other person, (2) filed a complaint or instituted or caused to be instituted any proceeding, (3) testified or intends to testify in any such proceeding, or (4) exercised any right afforded to him or her by any provision of sections 31-58, 31-71f, 46a-51 and 53-303e of the general statutes, as amended by this act, or sections 3 to 5, inclusive, of this act. Sec. 5. (NEW) (Effective January 1, 2020) A domestic worker or terminated domestic worker may bring an action in Superior Court against an employer to recover any appropriate relief, including rehiring or reinstatement to his or her previous job, payment of back wages and any interest due on such wages, compensation for the denial of days of leave, reestablishment of employee benefits or any other remedies that the court deems appropriate.
This act shall take effect as follows and shall amend the following sections:

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