

**Proposed Substitute  
Bill No. 6931**

LCO No. 7758

**AN ACT CONCERNING DOMESTIC WORKERS.**

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

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 Section 31-71f of the general statutes is repealed and the  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

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

10 (b) Each employer employing a domestic worker, as defined in  
11 section 3 of this act, shall advise the domestic worker in writing, at the  
12 time of hiring, of: (1) The rate of remuneration, hours of employment  
13 and wage payment schedules; (2) the job duties and responsibilities; (3)  
14 the availability of sick leave, days of rest, vacation, personal days and  
15 holidays, and whether such days are paid or unpaid, and the rate at  
16 which such days accrue; (4) necessary or required modes of  
17 transportation, and whether such transportation is provided, paid or  
18 reimbursed; (5) the availability of health insurance, and whether it is  
19 paid or reimbursed; (6) any applicable severance, yearly raises or other  
20 forms of compensation; (7) whether the employer may charge any fees  
21 or costs for board and lodging; and (8) any other rights afforded to  
22 such domestic worker under the provisions of this section, section 53-  
23 303e, as amended by this act, and sections 3 to 5, inclusive, of this act.

24 Sec. 2. Section 53-303e of the general statutes is repealed and the  
25 following is substituted in lieu thereof (*Effective January 1, 2020*):

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

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

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

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

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

49 (1) "Domestic worker" means any individual or employee who is  
50 paid or who is told he or she will be paid to perform work of a  
51 domestic nature in or about a private dwelling, including, but not  
52 limited to, housekeeping, home management, child care, caretaking of  
53 individuals, including sick, convalescing and elderly individuals,  
54 laundering, meal preparation, home companion services and other

55 household services for occupants of the private dwelling or the guests  
56 of such occupants. "Domestic worker" does not include (A) a babysitter  
57 whose employment is irregular and intermittent or of a casual nature,  
58 or (B) a personal care attendant providing services pursuant to a state-  
59 funded program, including, but not limited to, (i) the program for  
60 individuals with acquired brain injuries, established pursuant to  
61 section 17b-260a of the general statutes, (ii) the personal care assistance  
62 program, established pursuant to section 17b-605a of the general  
63 statutes, (iii) the Connecticut home care program for the elderly,  
64 established pursuant to section 17b-342 of the general statutes, (iv) the  
65 pilot program to provide home care services to disabled persons,  
66 established pursuant to section 17b-617 of the general statutes, (v) the  
67 individual and family support waiver program administered by the  
68 Department of Developmental Services, and (vi) the comprehensive  
69 waiver program administered by the Department of Developmental  
70 Services;

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

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

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

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

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

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

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

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

101 (b) No employer shall (1) restrict or interfere with a domestic  
102 worker's private communications that are made when the domestic  
103 worker is not expected to be working, (2) seize, search or inspect the  
104 domestic worker's personal belongings, or (3) engage in any conduct  
105 against a domestic worker that violates subsection (a) of section 53a-  
106 192a of the general statutes or any other section of the general statutes.

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

117 (d) No employer of a domestic worker shall monitor a domestic  
118 worker's activities or communications by any means other than direct

119 observation, including the use of a computer, telephone, wire, radio,  
120 camera or electromagnetic, photoelectronic or photo-optical systems,  
121 without such domestic worker's informed and voluntary consent,  
122 except that an employer may use such devices to monitor a domestic  
123 worker while he or she is performing care-giving tasks, including, but  
124 not limited to, babysitting, child care and caretaking of sick,  
125 convalescing or elderly individuals.

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

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

144 (2) If a domestic worker has been employed by an employer for a  
145 period of ninety days or longer, such employer may terminate such  
146 domestic worker's employment immediately and without written  
147 notice, provided such employer compensates such domestic worker at  
148 a rate not less than the amount the domestic worker would have  
149 earned had the employer continued to employ such domestic worker  
150 after providing notice of such termination pursuant to subdivision (1)  
151 of this subsection.

152 (g) The provisions of subsection (f) of this section shall not apply to  
153 any employer who terminates a domestic worker due to the domestic  
154 worker's wilful misconduct in the course of his or her employment. For  
155 the purposes of this subsection, "wilful misconduct" means deliberate  
156 misconduct in wilful disregard of the employer's interest and includes  
157 any abuse, assault or other harmful or destructive conduct committed  
158 by the domestic worker against the employer, the employer's  
159 possessions, members of the employer's family, guests or other  
160 individuals residing in or about the employer's private dwelling.

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

167 Sec. 4. (NEW) (*Effective January 1, 2020*) No employer shall  
168 discharge, discipline, penalize, retaliate against or in any manner  
169 discriminate against a domestic worker because such domestic worker  
170 has (1) complained to the employer, an authorized representative of  
171 the domestic worker or any other person, (2) filed a complaint or  
172 instituted or caused to be instituted any proceeding, (3) testified or  
173 intends to testify in any such proceeding, or (4) exercised any right  
174 afforded to him or her by any provision of sections 31-58, 31-71f, 46a-  
175 51 and 53-303e of the general statutes, as amended by this act, or  
176 sections 3 to 5, inclusive, of this act.

177 Sec. 5. (NEW) (*Effective January 1, 2020*) A domestic worker or  
178 terminated domestic worker may bring an action in Superior Court  
179 against an employer to recover any appropriate relief, including  
180 rehiring or reinstatement to his or her previous job, payment of back  
181 wages and any interest due on such wages, compensation for the  
182 denial of days of leave, reestablishment of employee benefits or any  
183 other remedies that the court deems appropriate.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>January 1, 2020</i>	31-71f
Sec. 2	<i>January 1, 2020</i>	53-303e
Sec. 3	<i>January 1, 2020</i>	New section
Sec. 4	<i>January 1, 2020</i>	New section
Sec. 5	<i>January 1, 2020</i>	New section