AN ACT CONCERNING A DOMESTIC WORKERS BILL OF RIGHTS.

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

Section 1. Subsection (e) of section 31-58 of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2014):

(e) "Employee" means any individual employed or permitted to work by an employer but shall not include any individual employed in camps or resorts which are open no more than six months of the year, or in domestic service in or about a private home, except any individual in domestic service employment as defined in the regulations of the federal Fair Labor Standards Act, or an individual employed in a bona fide executive, administrative or professional capacity as defined in the regulations of the Labor Commissioner or an individual employed by the federal government, or any individual engaged in the activities of an educational, charitable, religious, scientific, historical, literary or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis, or
any individual employed as a head resident or resident assistant by a college or university, or any individual engaged in babysitting of an irregular and intermittent or a casual nature, or an outside salesman as defined in the regulations of the federal Fair Labor Standards Act, or any individual employed by a nonprofit theater, provided such theater does not operate for more than seven months in any calendar year, or a member of the armed forces of the state performing military duty, as such terms are defined in section 27-61;

Sec. 2. Subdivision (9) of section 31-275 of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2014):

(9) (A) "Employee" means any person who:

(i) Has entered into or works under any contract of service or apprenticeship with an employer, whether the contract contemplated the performance of duties within or without the state;

(ii) Is a sole proprietor or business partner who accepts the provisions of this chapter in accordance with subdivision (10) of this section;

(iii) Is elected to serve as a member of the General Assembly of this state;

(iv) Is a salaried officer or paid member of any police department or fire department;

(v) Is a volunteer police officer, whether the officer is designated as special or auxiliary, upon vote of the legislative body of the town, city or borough in which the officer serves;

(vi) Is an elected or appointed official or agent of any town, city or borough in the state, upon vote of the proper authority of the town, city or borough, including the elected or appointed official or agent, irrespective of the manner in which he or she is appointed or
employed. Nothing in this subdivision shall be construed as affecting any existing rights as to pensions which such persons or their dependents had on July 1, 1927, or as preventing any existing custom of paying the full salary of any such person during disability due to injury arising out of and in the course of his or her employment;

(vii) Is a member of the armed forces of the state while in the performance of military duty, whether paid or unpaid for such military duty, in accordance with the provisions of section 27-17, 27-18 or 27-61; or

(viii) Is elected to serve as a probate judge for a probate district established in section 45a-2.

(B) "Employee" shall not be construed to include:

(i) Any person to whom articles or material are given to be treated in any way on premises not under the control or management of the person who gave them out;

(ii) One whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business;

(iii) A member of the employer's family dwelling in his house; but, if, in any contract of insurance, the wages or salary of a member of the employer's family dwelling in his house is included in the payroll on which the premium is based, then that person shall, if he sustains an injury arising out of and in the course of his employment, be deemed an employee and compensated in accordance with the provisions of this chapter;

(iv) Any person engaged in [any type of service in or about a private dwelling provided he is not regularly employed by the owner or occupier over twenty-six hours per week] domestic service in or about a private dwelling, except that if the owner or occupier of such
For purposes of this clause, "domestic service" means any service provided to the owner or occupier of a private dwelling for the operation or maintenance of such dwelling and does not include service as an employee in the pursuit of an employer's trade, occupation, profession, enterprise or vocation;

(v) An employee of a corporation who is a corporate officer and who elects to be excluded from coverage under this chapter by notice in writing to his employer and to the commissioner; or

(vi) Any person who is not a resident of this state but is injured in this state during the course of his employment, unless such person (I) works for an employer who has a place of employment or a business facility located in this state at which such person spends at least fifty per cent of his employment time, or (II) works for an employer pursuant to an employment contract to be performed primarily in this state.

Sec. 3. Subdivisions (9) and (10) of section 46a-51 of the general statutes are repealed and the following is substituted in lieu thereof (Effective October 1, 2014):

(9) "Employee" means any person employed by an employer but shall not include any individual employed by such individual's parents, spouse or child; [], or in the domestic service of any person;

(10) "Employer" includes the state and all political subdivisions thereof and means any person or employer (A) with three or more persons in such person's or employer's employ, or (B) employing a domestic worker, as defined in section 5 of this act, without regard to the total number of domestic workers in such person's or employer's employ;
Sec. 4. Section 31-71f of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2014):

(a) Each employer shall: (1) Advise his or her 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 or her 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 5 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, 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, as defined in section 31-60-3 of the regulations of Connecticut state agencies; (8) the domestic worker's right to collect workers' compensation if injured; and (9) any other rights afforded to such domestic worker under the provisions of this section and sections 6 to 13, inclusive, of this act.

Sec. 5. (NEW) (Effective October 1, 2014) For the purposes of this section, section 46a-51 of the general statutes, as amended by this act, section 31-71f of the general statutes, as amended by this act, and sections 6 to 14, inclusive, of this act, "domestic worker" means any individual or employee who is paid or employed by an owner or occupier of a private dwelling to perform work of a domestic nature in or about such 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 (1) a babysitter whose employment is irregular and intermittent or of a casual nature, or (2) a personal care attendant providing services pursuant to a state-funded program, including, but not limited to, (A) the program for individuals with acquired brain injuries, established pursuant to section 17b-260a of the general statutes, (B) the personal care assistance program, established pursuant to section 17b-605a of the general statutes, (C) the Connecticut home care program for the elderly, established pursuant to section 17b-342 of the general statutes, (D) the pilot program to provide home care services to disabled persons, established pursuant to section 17b-617 of the general statutes, (E) the individual and family support waiver program administered by the Department of Developmental Services, and (F) the comprehensive waiver program administered by the Department of Developmental Services.

Sec. 6. (NEW) (Effective October 1, 2014) (a) Each employer shall provide paid leave, annually, to each of such employer's domestic workers that he or she employs (1) on a full-time basis, or (2) upon completion of a year of employment with the employer, on a part-time basis. Such paid leave shall accrue (A) beginning January 1, 2015, or for a domestic worker hired after said date, beginning on the domestic worker's date of employment, (B) at a rate of one hour of paid leave for each forty hours worked by a domestic worker, and (C) in one-hour increments up to a maximum of fifty-six hours per calendar year.

(b) Upon a domestic worker's completion of a year of full-time employment with an employer, such employer shall provide such domestic worker with eight hours of paid leave for each calendar quarter of full-time work the domestic worker performs for the employer, in addition to the paid leave provided pursuant to
subsection (a) of this section.

(c) Each domestic worker shall be entitled to carry over up to fifty-six unused accrued hours of paid leave from the current calendar year to the following calendar year, but no domestic worker shall be entitled to use more than the maximum number of accrued hours, as described in subparagraph (C) of subsection (a) of this section, in any calendar year.

(d) Each employer shall pay each domestic worker for paid leave at a pay rate equal to the greater of either (1) the normal hourly wage for that domestic worker, or (2) the minimum fair wage rate under section 31-58 of the general statutes, as amended by this act, in effect for the pay period during which the domestic worker used paid leave. For any domestic worker whose hourly wage varies depending on the work performed by the domestic worker, the "normal hourly wage" means the average hourly wage of the domestic worker in the pay period prior to the one in which the domestic worker used paid leave.

Sec. 7. (NEW) (Effective October 1, 2014) No employer shall require a domestic worker, as defined in section 5 of this act, to work more than six days in any calendar week. A domestic worker may work seven days in any calendar week provided the domestic worker and his or her employer agree, in writing, to such schedule and the domestic worker is compensated at a rate of not less than one and one-half times his or her average hourly salary for all hours worked on the seventh day.

Sec. 8. (NEW) (Effective October 1, 2014) Wages paid to any domestic worker, as defined in section 5 of this act, may include the reasonable value of board and lodging, as defined in section 31-60-3 of the regulations of Connecticut state agencies, and may be considered as part of the minimum fair wage if the employer has advised the domestic worker, in writing, of such conditions pursuant to subsection (b) of section 31-71f of the general statutes, as amended by this act, and
the domestic worker has voluntarily accepted such conditions, in writing, at the time of hiring.

Sec. 9. (NEW) (Effective October 1, 2014) (a) When a domestic worker is required to be on duty for less than twenty-four consecutive hours at an employer's private dwelling, the employer may permit the domestic worker to sleep or engage in personal activities when not actively engaged in an assignment for the employer, provided the employer compensates the domestic worker for such time as hours worked.

(b) When a domestic worker is required to be on duty for twenty-four consecutive hours or more at an employer's private dwelling, the domestic worker and his or her employer may agree, in writing, to exclude from the hours worked a regularly scheduled sleeping period of not more than eight hours, provided (1) adequate on-site sleeping facilities are furnished to the domestic worker, (2) the domestic worker receives not less than seven consecutive hours off duty and uninterrupted by an assignment to work during each such sleeping period, and (3) if the scheduled sleeping period is interrupted by an assignment to work, working time shall begin when the domestic worker is notified of his or her assignment and shall end when the domestic worker has completed his or her assignment. If the sleeping period is interrupted so that the domestic worker receives less than seven consecutive hours off duty during such period, the entire period shall be considered hours worked.

Sec. 10. (NEW) (Effective October 1, 2014) (a) No employer shall (1) restrict or interfere with a domestic worker's private communications, (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.

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

(c) No employer of a domestic worker shall monitor the domestic worker's activities or communications by any means other than direct observation, including the use of a computer, telephone, wire, radio, camera, electromagnetic, photoelectronic or photo-optical systems, without such domestic worker's informed and voluntary consent, except 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.

Sec. 11. (NEW) (Effective October 1, 2014) (a) Not less than seven days prior to terminating a domestic worker, an employer shall (1) provide a written notice of termination to such domestic worker, and (2) if such domestic worker is not eligible for unemployment compensation benefits under chapter 567 of the general statutes, provide severance pay to such domestic worker in an amount equal to the domestic worker's average weekly work hours for the employer in the most recent complete calendar quarter.

(b) The provisions of subsections (a) and (c) 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 purposes of this subsection, "wilful misconduct" means deliberate misconduct in wilful disregard of the employer's interest and shall include 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.

(c) Upon terminating a domestic worker, an employer shall take all reasonable steps to prevent the homelessness of the domestic worker.

Sec. 12. (NEW) (Effective October 1, 2014) No employer shall discharge, discipline, discriminate against, retaliate against or otherwise penalize any domestic worker because the domestic worker has (1) complained to the employer, an authorized representative of the domestic worker or any other person, (2) filed a claim with the Labor Commissioner or instituted or caused to be instituted any proceeding under section 13 of this act, (3) testified or is about to testify in any such proceeding, or (4) exercised any right afforded to him or her by the provisions of sections 6 to 13, inclusive, of this act.

Sec. 13. (NEW) (Effective October 1, 2014) (a) A domestic worker may file a complaint with the Labor Commissioner alleging a violation of any provision of section 31-71f of the general statutes, as amended by this act, and sections 6 to 12, inclusive, of this act. Upon receipt of the complaint, the commissioner shall investigate such complaint and may hold a hearing. After the hearing, the commissioner shall send each party a written copy of his or her decision. A domestic worker who prevails in such hearing shall be awarded reasonable attorney's fees and costs.

(b) If the commissioner finds a domestic worker has been aggrieved by an employer's violation of any provision of section 31-71f of the general statutes, as amended by this act, and sections 6 to 12, inclusive, of this act, the commissioner shall (1) levy against the employer a civil penalty of up to five hundred dollars for the first violation and one thousand dollars for each subsequent violation, and (2) award such domestic worker all 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 commissioner may deem appropriate.

(c) Any party aggrieved by the decision of the commissioner may
appeal the decision to the Superior Court, in accordance with the
provisions of chapter 54 of the general statutes.

(d) The commissioner may request the Attorney General to bring an
action in the Superior Court to recover the penalties levied pursuant to
subsection (b) of this section.

(e) Nothing in this section shall prohibit a domestic worker from
filing a civil suit against an employer in a court of competent
jurisdiction to recover all 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 judge may deem appropriate.

Sec. 14. (Effective October 1, 2014) (a) There is established a domestic
workers task force. Such task force shall study issues involving
domestic workers in the state and make recommendations for
legislative initiatives to provide outreach and education services to
domestic workers and employers of domestic workers in the state.

(b) The task force shall consist of the following members:

(1) The executive director of the Permanent Commission on the
Status of Women, or the executive director's designee;

(2) The Labor Commissioner, or the commissioner's designee;

(3) The Attorney General, or the Attorney General's designee;

(4) One appointed by the house chair of the joint standing
committee of the General Assembly having cognizance of matters
relating to labor and public employees, who shall represent domestic workers in the state;

(5) One appointed by the senate chair of the joint standing committee of the General Assembly having cognizance of matters relating to labor and public employees, who shall represent employers that employ domestic workers in the state;

(6) The speaker of the House of Representatives, or the speaker's designee;

(7) The president pro tempore of the Senate, or the president pro tempore's designee;

(8) The majority leader of the House of Representatives, or the majority leader's designee;

(9) The majority leader of the Senate, or the majority leader's designee;

(10) The minority leader of the House of Representatives, or the minority leader's designee; and

(11) The minority leader of the Senate, or the minority leader's designee.

(c) Any member of the task force appointed under subdivisions (4) to (11), inclusive, of subsection (b) of this section may be a member of the General Assembly.

(d) All appointments to the task force shall be made not later than thirty days after the effective date of this section. Any vacancy shall be filled by the appointing authority.

(e) The speaker of the House of Representatives and the president pro tempore of the Senate shall select the chairpersons of the task force from among the members of the task force. Such chairpersons shall
schedule the first meeting of the task force, which shall be held not later than sixty days after the effective date of this section.

(f) The administrative staff of the joint standing committee of the General Assembly having cognizance of matters relating to labor and public employees shall serve as administrative staff of the task force.

(g) Not later than October 1, 2015, the task force shall submit, in accordance with the provisions of section 11-4a of the general statutes, a report on its findings and recommendations to the Governor, the Joint Committee on Legislative Management and the joint standing committee of the General Assembly having cognizance of matters relating to labor and public employees. The task force shall terminate on the date that it submits such report or October 1, 2015, whichever is later.

| This act shall take effect as follows and shall amend the following sections: |
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| Section 1 | October 1, 2014 | 31-58(e) |
| Sec. 2 | October 1, 2014 | 31-275(9) |
| Sec. 3 | October 1, 2014 | 46a-51(9) and (10) |
| Sec. 4 | October 1, 2014 | 31-71f |
| Sec. 5 | October 1, 2014 | New section |
| Sec. 6 | October 1, 2014 | New section |
| Sec. 7 | October 1, 2014 | New section |
| Sec. 8 | October 1, 2014 | New section |
| Sec. 9 | October 1, 2014 | New section |
| Sec. 10 | October 1, 2014 | New section |
| Sec. 11 | October 1, 2014 | New section |
| Sec. 12 | October 1, 2014 | New section |
| Sec. 13 | October 1, 2014 | New section |
| Sec. 14 | October 1, 2014 | New section |

**Statement of Purpose:**
To establish certain requirements for the employment of domestic workers in the state.
Raised Bill No. 5527

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]