

Proposed Recommendations of the Domestic Workers Task Force

Minimum Wage and Overtime

- Amend the definition of “employees” covered by state minimum wage and overtime laws to eliminate the exemption for domestic workers (except for causal babysitters) and its related tie to federal regulations. This will:
 - (1) entitle all domestic worker employees to the minimum wage regardless of their employer (e.g., private consumer employers, third-party agencies, and joint employer state-funded Medicaid programs);
 - (2) eliminate the “companionship exemption” and “live-in exemption” for all employers; and
 - (3) remove any uncertainty created by the new federal regulations and its related lawsuit.
- Amend state overtime requirements to:
 - (1) expand current law’s “sleep time exemption” from “hours worked” to include all live-in domestic workers, regardless of whether they are employed by third-party employers or providing “companionship services;”
 - (2) eliminate the sleep time exemption law’s tie to the effective date of federal regulations; and
 - (3) specify that a live-in domestic worker’s “hours worked” does not include times when the worker is on the premises but relieved of all work duties. This should comport in full with federal labor standards for meals, sleep, and periods of full relief from employment.

Workers’ Compensation

- The threshold for determining when an employer must provide workers’ compensation coverage for a domestic worker should be the same threshold used for determining when a domestic worker is covered by the state’s unemployment law. In general, this would require an employer to provide workers’ compensation coverage to any domestic worker employee to whom it pays at least \$1,000 in a calendar quarter. Current law requires employers to provide workers’ compensation coverage to domestic workers who work at least 26 hours per week.

Registries

- For purposes of providing workers compensation coverage and paying unemployment taxes, registries that provide domestic workers to consumers should be deemed the worker’s joint employer with the worker’s consumer employer.

Paid Time Off

- The legislature should expand the state’s paid sick leave law to include domestic workers, regardless of the size of their employer. (Current law applies only to employers with at least 50 employees and employees in specified job categories.) In general, this would allow workers to accrue one hour of paid sick time for every 40 hours worked, and up to 40 hours of paid leave per calendar year. They would not be able to use the leave until they have worked at least 680 hours for the employer.

Reporting Time Pay

- The legislature should enact legislation that would entitle all employees, including domestic workers, to compensation when they report to work as required by their employer, but are either not put to work or required to work for less than their scheduled work period. Such legislation could include exceptions for emergencies or other circumstances that are not reasonably foreseeable by the employer.

Termination Notice and Severance Pay

- Employers should be required to provide domestic workers with either a one week termination notice or one week's severance pay, with exceptions for cases involving good faith allegations of abuse, neglect, or other harmful conduct or certain unforeseeable circumstances (e.g., a consumer's death, hospitalization, or placement in a care facility).

Day of Rest

- Employers who employ a domestic worker for at least 40 hours per week should be prohibited from requiring that worker to work on more than six consecutive days, unless the worker agrees in writing to work for a seventh consecutive day (by law such a worker would have to be compensated for that time under the state's overtime pay requirements).

CHRO/ Discrimination/ Harassment

- The CHRO statutes should be amended to expand the discrimination and harassment protections provided by PA 15-249 to all domestic workers, regardless of the size of their employer. (Current law only provides the protections to employees who work for employers with at least three employees.)

Notices

- In addition to notices required for all employees under current law (CGS § 31-71f), employers should provide their domestic workers with written notice at the time of hire of the
 - (1) terms, conditions, and duration of employment;
 - (2) job duties;
 - (3) deductions for food and lodging, if applicable;
 - (4) any restrictions or requirements for live-in worker's personal food and meal preparation, if applicable; (5) required cleaning products and restrictions on cleaning product options, if applicable; and (6) notice of the worker's employment-related legal rights under state and federal law.
- The department of labor (DOL) should be required to prepare and make available on its website (1) a notice of domestic workers' employment-related legal rights under state and federal law which employers can provide to their domestic workers and (2) information for employers regarding their legal obligations when employing domestic workers.

Privacy

- Live-in domestic workers should be guaranteed a right to privacy in their designated living space, private communications, and personal property. However, limited emergency circumstances in which a homeowner or consumer may violate these rights should also be allowed. In addition, homeowner/ consumers and live-in domestic workers may agree, in writing, to other conditions or circumstances under which the homeowner/ consumer can access the worker's designated living space, private communications, and personal property.
- Under current law, no employer may engage in any type of electronic monitoring without giving prior written notice to all employees who may be affected, informing them of the types of monitoring which may occur (CGS 31-48d). This law should be expanded to include homeowner/ consumers receiving services from domestic workers employed by third-party employers.

Room and Board

- The legislature should further investigate and specify a methodology for allowing employers of live-in domestic workers to deduct room and board expenses from minimum wage and overtime requirements. To the extent possible under federal law, the methodology should also allow third-party employers to deduct the room and board expenses incurred by the consumer in whose home the live-in worker resides.
- Live-in domestic workers should be allowed to prepare their own foods and meals of their own choosing, subject to their consumer's or homeowner's religious restrictions, health requirements, or other limitations provided and agreed to in writing at the time of hire.

Enforcement

- Violations of any new rights or requirements created by the above recommendations, including employer retaliation for a worker's exercise of his or her rights, should be investigated and enforced by DOL. Maximum penalties should be sufficient to deter willful violations, while also providing DOL with discretion to adjust penalties based on a violation's severity.
- The legislature should provide the department of labor with sufficient resources to effectively investigate domestic worker complaints and enforce the related laws.