



General Assembly

January Session, 2019

**Committee Bill No. 6931**

LCO No. 5865



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:  
(LAB)

***AN ACT CONCERNING DOMESTIC WORKERS.***

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

1 Section 1. Subsection (e) of section 31-58 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *January 1, 2020*):

4 (e) "Employee" means any individual employed or permitted to  
5 work by an employer but shall not include any individual employed in  
6 camps or resorts which are open no more than six months of the year,  
7 [or in domestic service in or about a private home, except any  
8 individual in domestic service employment as defined in the  
9 regulations of the federal Fair Labor Standards Act,] or an individual  
10 employed in a bona fide executive, administrative or professional  
11 capacity as defined in the regulations of the Labor Commissioner or an  
12 individual employed by the federal government, or any individual  
13 engaged in the activities of an educational, charitable, religious,  
14 scientific, historical, literary or nonprofit organization where the  
15 employer-employee relationship does not, in fact, exist or where the  
16 services rendered to such organizations are on a voluntary basis, or

17 any individual employed as a head resident or resident assistant by a  
18 college or university, or any individual engaged in [baby sitting]  
19 babysitting of an irregular and intermittent or a casual nature, or an  
20 outside salesman as defined in the regulations of the federal Fair Labor  
21 Standards Act, or any individual employed by a nonprofit theater,  
22 provided such theater does not operate for more than seven months in  
23 any calendar year, or a member of the armed forces of the state  
24 performing military duty, as such terms are defined in section 27-61;

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 Section 31-71f of the general statutes is repealed and the  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

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

34 (b) Each employer employing a domestic worker, as defined in  
35 section 5 of this act, shall advise the domestic worker in writing, at the  
36 time of hiring, of: (1) The rate of remuneration, hours of employment  
37 and wage payment schedules; (2) the job duties and responsibilities; (3)  
38 the availability of sick leave, days of rest, vacation, personal days and  
39 holidays, and whether such days are paid or unpaid, and the rate at  
40 which such days accrue; (4) necessary or required modes of  
41 transportation, and whether such transportation is provided, paid or  
42 reimbursed; (5) the availability of health insurance, and whether it is  
43 paid or reimbursed; (6) any applicable severance, yearly raises or other  
44 forms of compensation; (7) whether the employer may charge any fees  
45 or costs for board and lodging; and (8) any other rights afforded to  
46 such domestic worker under the provisions of this section, section 53-  
47 303e, as amended by this act, and sections 5 to 7, inclusive, of this act.

48 Sec. 3. Subdivision (10) of section 46a-51 of the general statutes is

49 repealed and the following is substituted in lieu thereof (*Effective*  
50 *January 1, 2020*):

51 (10) "Employer" includes the state and all political subdivisions  
52 thereof and means any person or employer (A) with three or more  
53 persons in such person's or employer's employ, or (B) employing a  
54 domestic worker, as defined in section 5 of this act, without regard to  
55 the total number of domestic workers in such person's or employer's  
56 employ;

57 Sec. 4. Section 53-303e of the general statutes is repealed and the  
58 following is substituted in lieu thereof (*Effective January 1, 2020*):

59 (a) No employer shall compel any employee (1) engaged in any  
60 commercial occupation, [or] (2) engaged in the work of any industrial  
61 process, or (3) employed as a domestic worker, as defined in section 5  
62 of this act, to work more than six days in any calendar week. An  
63 employee's refusal to work more than six days in any calendar week  
64 shall not constitute grounds for his or her dismissal.

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

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

77 ~~[(c)]~~ (d) Any person who violates any provision of this section shall  
78 be fined not more than two hundred dollars.

79 Sec. 5. (NEW) (*Effective January 1, 2020*) (a) For the purposes of this  
80 section and sections 6 and 7 of this act:

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

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

112 services, (ii) companion services, or (iii) homemaker-home health aide  
113 services;

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

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

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

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

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

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

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

133 (b) No employer shall (1) restrict or interfere with a domestic  
134 worker's private communications that are made when the domestic  
135 worker is not expected to be working, (2) seize, search or inspect the  
136 domestic worker's personal belongings, or (3) engage in any conduct  
137 against a domestic worker that violates subsection (a) of section 53a-  
138 192a of the general statutes or any other section of the general statutes.

139 (c) No employer of a live-in domestic worker shall enter a live-in

140 domestic worker's designated living area in or about the employer's  
141 private dwelling without such live-in domestic worker's informed and  
142 voluntary consent, except the employer may enter such designated  
143 living area if emergency repairs are required, provided (1) securing  
144 such live-in domestic worker's consent within a reasonable time is not  
145 feasible, and (2) the employer provides notice to the live-in domestic  
146 worker that the employer entered the live-in domestic worker's  
147 designated living area to conduct such emergency repairs within a  
148 reasonable time after doing so.

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

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

167 (f) (1) Except as otherwise provided in subdivision (2) of this  
168 subsection, if a domestic worker has been employed by an employer  
169 for a period of ninety days or longer, such employer shall provide the  
170 domestic worker with written notice prior to the termination of  
171 employment. Such notice shall be provided not less than seven days

172 prior to the effective date of such termination, except, if such domestic  
173 worker is a live-in domestic worker, such notice shall be provided not  
174 less than fourteen days prior to the effective date of such termination.

175 (2) If a domestic worker has been employed by an employer for a  
176 period of ninety days or longer, such employer may terminate such  
177 domestic worker immediately and without written notice, provided  
178 such employer compensates such domestic worker at a rate not less  
179 than the amount the domestic worker would have earned had the  
180 employer continued to employ such domestic worker after providing  
181 notice of such termination pursuant to subdivision (1) of this  
182 subsection.

183 (g) The provisions of subsection (f) of this section shall not apply to  
184 any employer who terminates a domestic worker due to the domestic  
185 worker's wilful misconduct in the course of his or her employment. For  
186 the purposes of this subsection, "wilful misconduct" means deliberate  
187 misconduct in wilful disregard of the employer's interest and shall  
188 include any abuse, assault or other harmful or destructive conduct  
189 committed by the domestic worker against the employer, the  
190 employer's possessions, members of the employer's family, guests or  
191 other individuals residing in or about the employer's private dwelling.

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

198 Sec. 6. (NEW) (*Effective January 1, 2020*) No employer shall  
199 discharge, discipline, penalize, retaliate against or in any manner  
200 discriminate against any domestic worker because such domestic  
201 worker has (1) complained to the employer, an authorized  
202 representative of the domestic worker or any other person, (2) filed  
203 any complaint or instituted or caused to be instituted any proceeding,

204 (3) has testified or is about to testify in any such proceeding, or (4)  
205 exercised any right afforded to him or her by any provision of sections  
206 31-71f and 53-303e of the general statutes, as amended by this act, or  
207 sections 1 to 7, inclusive, of this act.

208 Sec. 7. (NEW) (Effective January 1, 2020) A domestic worker may file  
209 a civil suit in Superior Court against an employer to recover all  
210 appropriate relief, including rehiring or reinstatement to his or her  
211 previous job, payment of back wages and any interest due on such  
212 wages, compensation for the denial of days of leave, reestablishment of  
213 employee benefits or any other remedies that the court may deem  
214 appropriate.

This act shall take effect as follows and shall amend the following sections:		
Section 1	January 1, 2020	31-58(e)
Sec. 2	January 1, 2020	31-71f
Sec. 3	January 1, 2020	46a-51(10)
Sec. 4	January 1, 2020	53-303e
Sec. 5	January 1, 2020	New section
Sec. 6	January 1, 2020	New section
Sec. 7	January 1, 2020	New section

**Statement of Purpose:**

To expand the application of various labor laws to domestic workers.

*[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.]*

Co-Sponsors: REP. CANDELARIA, 95th Dist.; REP. GIBSON, 15th Dist.  
REP. PORTER, 94th Dist.; REP. HALL, 7th Dist.

H.B. 6931