



General Assembly

Substitute Bill No. 6931

January Session, 2019



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2 repealed and the following is substituted in lieu thereof (*Effective*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 Section 31-71f of the general statutes is repealed and the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) (1) No employer shall compel any employee (A) engaged in any
60 commercial occupation, [or] (B) engaged in the work of any industrial
61 process, or (C) 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 (2) Notwithstanding the provisions of subdivision (1) of this
66 subsection, a domestic worker may work seven days in any calendar
67 week provided (A) the domestic worker and his or her employer
68 agree, in writing, to such schedule, and (B) the domestic worker is
69 compensated at the appropriate rate, including the overtime rate, if
70 applicable.

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

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

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

82 (1) "Domestic worker" means any individual or employee who is

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

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

115 (3) "Consumer" means an individual receiving homemaker services,

116 companion services or homemaker-home health aide services from a
117 homemaker-companion agency, registry or homemaker-home health
118 aide agency;

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

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

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

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

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

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

134 (b) No employer shall (1) restrict or interfere with a domestic
135 worker's private communications that are made when the domestic
136 worker is not expected to be working, (2) seize, search or inspect the
137 domestic worker's personal belongings, or (3) engage in any conduct
138 against a domestic worker that violates subsection (a) of section 53a-
139 192a of the general statutes or any other section of the general statutes.

140 (c) No employer of a live-in domestic worker shall enter a live-in
141 domestic worker's designated living area in or about the employer's
142 private dwelling without such live-in domestic worker's informed and
143 voluntary consent, except that the employer may enter such
144 designated living area if emergency repairs are required, if (1) securing

145 such live-in domestic worker's consent within a reasonable time is not
146 feasible, and (2) the employer provides notice to the live-in domestic
147 worker that the employer entered the live-in domestic worker's
148 designated living area to conduct such emergency repairs within a
149 reasonable time after doing so.

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

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

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

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

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

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

200 Sec. 6. (NEW) (*Effective January 1, 2020*) No employer shall
201 discharge, discipline, penalize, retaliate against or in any manner
202 discriminate against a domestic worker because such domestic worker
203 has (1) complained to the employer, an authorized representative of
204 the domestic worker or any other person, (2) filed a complaint or
205 instituted or caused to be instituted any proceeding, (3) testified or
206 intends to testify in any such proceeding, or (4) exercised any right
207 afforded to him or her by any provision of sections 31-58, 31-71f, 46a-
208 51 and 53-303e of the general statutes, as amended by this act, or
209 sections 5 to 7, inclusive, of this act.

210 Sec. 7. (NEW) (*Effective January 1, 2020*) A domestic worker or
211 terminated domestic worker may bring an action in Superior Court
212 against an employer to recover any appropriate relief, including
213 rehiring or reinstatement to his or her previous job, payment of back
214 wages and any interest due on such wages, compensation for the
215 denial of days of leave, reestablishment of employee benefits or any
216 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>	31-58(e)
Sec. 2	<i>January 1, 2020</i>	31-71f
Sec. 3	<i>January 1, 2020</i>	46a-51(10)
Sec. 4	<i>January 1, 2020</i>	53-303e
Sec. 5	<i>January 1, 2020</i>	New section
Sec. 6	<i>January 1, 2020</i>	New section
Sec. 7	<i>January 1, 2020</i>	New section

Statement of Legislative Commissioners:

Technical changes were made in Sections 1, 4, 5, 6 and 7, for clarity and proper form.

LAB *Joint Favorable Subst. -LCO*