

# Labor and Public Employees Committee

## JOINT FAVORABLE REPORT

**Bill No.:** HB-6537

AN ACT CONCERNING EXPANSION OF PAID SICK DAYS AND DOMESTIC

**Title:** WORKER COVERAGE.

**Vote Date:** 3/25/2021

**Vote Action:** Joint Favorable Substitute

**PH Date:** 3/4/2021

**File No.:**

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### **SPONSORS OF BILL:**

Labor and Public Employees Committee

### **REASONS FOR BILL:**

This legislation amends the current general statutes to require that all employers, regardless of size, provide paid sick leave to their employees. Accrual for paid sick time begins July 1, 2021 or on the hired date, if after July 1, 2021. For every thirty hours worked by a service worker, they would accrue one hour of paid sick time. Up to forty hours of unused paid sick time can roll-over to the next year. Furthermore, employees do not have a responsibility to cover their own shifts when they are claiming paid sick leave. Employers will be in compliance with this legislation if they offer other types of paid leave at an equal or greater rate as described above. Other types of paid leave can be paid vacation, personal days, or paid time off. The legislation also includes an additional paid leave benefit that is specific to COVID-19. Lastly, this bill designates the Personal Care Attendant (PCA) Workforce Council to act as the employer on behalf of all personal care attendants who are typically hired by Medicaid recipients.

### **RESPONSE FROM ADMINISTRATION/AGENCY:**

#### **SECRETARY MELISSA MCCAW, OFFICE OF POLICY AND MANAGEMENT:**

Secretary McCaw raised three points of concern on behalf of Governor Lamont in regard to the last point of the bill stated above. First, they are concerned that the State will appear to be a joint employer of personal care attendants with the Medicaid client. The State would then be responsible for additional financial burdens, such as overtime costs. Ultimately, this may result in Medicaid self-directed programs no longer being a financially viable option in CT. Furthermore, the rates to accrue paid leave is too exorbitant for the work that PCAs do. They would have 200 hours of paid leave per year with this bill, which the Governor believes will

risk access to care for Medicaid recipients. Lastly, Secretary McCaw argues that the current bill is too costly. The State pick up \$6.5 million per year for PCAs paid leave time. Ultimately, the Governor believes that the PCA Workforce Council is not the appropriate entity to administer a paid leave benefit and that PCAs already have adequate paid leave benefits in the form of 12 week-long federal paid leave.

**KURT WESTBY, DEPARTMENT OF LABOR, COMMISSIONER:**

Commissioner Westby is in support of the raised bill and agrees that the contents of the bill will modernize the state's labor laws. The only concern was that the bill would have a significant fiscal impact on the DOL because it would require the agency to hire additional staff in our Wage and Workplace Standards Division as well as our Legal Division to accommodate the increased inquiries and complaints that would result.

**TANYA HUGHES EXECUTIVE DIRECTOR**

**CHERYL SHARP, DEPUTY DIRECTOR**

**COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES**

The commission strongly supports this bill because of the disparate impact this has on people with disabilities, people of color and women. An expansion of paid leave, particularly during a devastating pandemic, will help members of these communities who require it most.

**CONNECTICUT DEPARTMENT OF SOCIAL SERVICES:**

The department does not support the Personal Care Attendant Workforce Council acting on behalf of all Medicaid participants who currently hire and manage their own personal care attendants. The Council and OPM negotiates and administers the PCA collective bargaining agreement with the union that represent PCAs, 1999 SEIU-NE. Their specific role is collective bargaining and not designed to have any employer authority. In CT's "self-directed" programs, Medicaid participants are the employers. Shifting responsibilities from the Medicaid participant to the Council is inconsistent with the purpose and design of the self-directed program and negatively impacts the Medicaid participant's authority as an employer. There is also a financial risk to this decision since the state appears to be assuming employer responsibility. Funds are not currently in the DSS budget or in the Governor's proposed budget to fund an expansion of family and medical paid time off.

**NATURE AND SOURCES OF SUPPORT:**

**KATE FARRAR, REPRESENTATIVE, DEPUTY MAJORITY CAUCUS CHAIR, STATE OF CONNECTICUT**

The pandemic has taught us many things, especially about the gaps in public policies and the necessity for change. Our paid sick leave law applies only to certain hourly service workers whose employers have 50 or more employees. This barely protects the large number of workers who need it. Our statute leaves out a large portion of the hourly workforce employed by small businesses or who don't fit into the narrow definition of "service worker". It exempts non-profits, manufacturers and temporary or day laborers. Many people stepped up to help during this pandemic. Now it is our turn as the legislature to take action and enact these initial measures as permanent because workers and employers will continue to need access to paid sick leave. This is also a critical gender and racial justice issue with women and workers of color overrepresented in jobs that don't provide sick leave. This bill does the right thing by covering all workers for up to 40 hours of sick time, eliminating the waiting period for

an employee to use the paid sick days, meeting the definition of family for today's world, and addressing the need for continued pandemic sick leave

**STEPHEN ANDERSON, PRESIDENT, SEIU LOCAL 2001**

After the year we experienced and the challenges we faced and will continue to face because of the COVID-19 virus, there should be no debate as to the necessity of this bill.

Removing the employers size threshold, job classification list, eliminating the waiting period and including all types of structures/relationships in the use of paid sick days, as well as providing pandemic-related sick leave, will make the State stronger while respecting the sacrifices and commitments of these working people. When it comes to basic labor protections afforded most workers over the past 60 years, domestic workers have been invisible. Domestic workers will no longer have to choose between keeping themselves and those around them safe and healthy.

**MARIANNE BELLESORTE, FAMILY VALUES WORK**

Valuing caregiving and enabling people to be good providers and family members is key to achieving racial, gender and economic equality. Too many workers have not had access to a single sick day throughout the entire pandemic due to exemptions from the state's law or from the federal Families First Coronavirus Response Act. They are least likely to have access to sick days and are on the frontline of the pandemic, including women of color and people of color who make up the majority of domestic and essential workers.

When they face illness, they must choose between caring for themselves and those they love or keeping their jobs. This decision ripples out beyond any one worker or family, especially in a pandemic. Pressuring employees to work through illnesses without adequate time to recover causes productivity losses for business, and health consequences for workers. The paid sick day laws should be brought up-to-date by removing the employee size and job classification from paid sick day legislation, allowing workers to use the paid sick days they have accrued immediately, including all people considered 'family' and providing pandemic related sick time and COVID specific leave.

**JAMES BHANDARY-ALEXANDER, MEDICAL- LEGAL DIRECTOR, LEGAL PARTNERSHIP PROGRAM, SOLOMON CENTER FOR HEALTH LAW AND POLICY, YALE LAW SCHOOL**

Domestic workers have struggled for many years to raise labor standards and achieve equality with other workers. Federal law excluded them from minimum wage and maximum hour provisions, from occupational safety, and provisions in their legislation. They were also excluded from discrimination protections. CT convened a Task Force on Domestic Workers in 2015 which issued a strong set of recommendations for change in January 2016. By a bipartisan vote, CT took an important step in including domestic workers in discrimination protections. Through experiences of dealing with low income people, he has learned there is not a population for whom the protection of law is more remote or accessible than domestic workers. Even where rights exist on paper, such as minimum wage and overtime, the rights are likely to be unknown and practically unenforceable. The DOL is not adequately staffed to outreach this group. There are no more than 3 or 4 lawyers in the state who will take on such a case. This bill takes a cautious, but critical step in solving the lack of knowledge among employers as to what their rights and responsibilities are. It allocates resources to the DOL to work with domestic worker organizations to educate their members about workplace rights. Training employers and employees will have an impact on basic working conditions and generate ideas on how to extend the rule of law and the standards established.

### **BLACK AND BROWN UNITED IN ACTION**

Domestic workers comprise a significant part of the global workforce in informal employment and are the most vulnerable group of workers. These workers allow others to participate in the workforce. During the pandemic, the need for paid time off has never been clearer as the safety of domestic workers are threatened simply by going to work. It is a critical component of the government's response to COVID. By guaranteeing paid sick days to everyone, people will not have to sacrifice their financial security and well-being. They will be able to take the time needed for testing and quarantines. They recommend removing the thresholds and job classification list outlining existing law and require all employers, regardless of size or industry, to provide up to 40 hours of paid sick time per year. The waiting period to accrue and use paid sick leave from 680 hours immediately after commencement of employment should be reduced. All types of family structures should be included, including spouses, children of any age, grandparents, grandchildren, siblings, and any individual related to the employee by blood or affinity who is the equivalent of family. Provide pandemic-related sick leave as well as an additional 80 hours of COVID-19 specific leave. This should be used when a worker's place of work or child's school/place of care is closed by public health officials for a public health emergency and provide an additional 80 hours of paid sick time for COVID-19 related purposes as long as there is a federal tax credit.

### **CAROL BLACKBURN, PCA, SEIU HEALTHCARE**

As a PCA worker in Norwich, she urges passage of this bill in order to receive the respect and benefits all caregivers deserve. She is caring for her mom, a retired registered nurse who now requires assistance in every aspect of her life. This is the work of a professional caregiver and yet they are not treated as such. This is a very physical job. Her income is not just for her, but for her mother's needs as well. PCAs spend all day caring for others but are not offered health insurance for when an emergency arises for them. They would be able to deliver better care and focus completely on the people they care for if there was not the worry about their own well-being. This bill can help right this wrong.

### **LUCAS BLINN, PCA, SEIU HEALTHCARE, SHOMIT SENGUPLA, SEIU HEALTHCARE, DISTRICT 1199 NE**

They both submitted very similar testimony. They earn barely enough to live and support a family or are able to save for retirement. If they must miss work, they lose an entire shift's pay. Clients don't even need a reason if they want to cancel at the last minute. As DSS providers, they are paid a higher hourly wage and is paid regularly by a payroll agent, Sunset Shores. The testimony said other workers, paid by Allied Community Resources pay their employees late. The workforce is comprised primarily by women of color. Two weeks ago, Lucas Blinn took a rest in a civil disobedience in solidarity with everyone that was paid late. An injury to one is an injury to all. Being paid on time is a privilege he doesn't take for granted, but they don't have paid sick leave which forces workers to often go back to work sooner than they should. They are asking to receive the basic human rights that are long overdue: to be paid on time and be eligible for health insurance.

### **NICOLE BONOIOVANNI, PCA, SEIU HEALTHCARE, SEIU 1199 NE**

She is caregiver for 3 people and works 73 hours a week. Two of them are total care and do not move at all, and the third is non-verbal. She cares for all their needs which takes a lot of energy and the job is very intimate. Her clients are vulnerable and she cares for them with

love, respect and mutual trust which they deserve. She makes too much to qualify for Husky, but she can't afford to purchase insurance, and doesn't have any paid time off. All this means is she can't afford to get sick. Last June, when she was having a hard time breathing, she was taken to the hospital via ambulance and diagnosed as having a mild heart attack. She was hospitalized for 3 days and lost 5 days of pay. She couldn't take off longer to fully recuperate. She now has a bill of \$23K that she can't pay. This is ½ her annual salary. One of her clients tested positive for COVID last week and after being tested, found she also had the disease. She will be out of work for 14 days and is worried about the costs should she have to be hospitalized. She is not the only one in this impossible situation. They need paid sick days. They are for the most part vulnerable and all they ask is to be able to take care of themselves should it become necessary.

**LYNN CAMPBELL, EXECUTIVE DIRECTOR, ARCHDIOCESE OF HARTFORD, OFFICE FOR CATHOLIC SOCIAL JUSTICE MINISTRY**

Domestic workers have historically fallen in a work classification that has excluded them from many worker rights. Removing the size threshold and job classification lists outlined in existing law and requiring all employers no matter what size or industry to provide up to 40 hours of paid sick time would impact domestic workers positively. The pandemic has made this even more critical than ever. The majority of domestic and essential workers are women and people of color who are the least likely to have access to paid sick days as they continue to work on the frontlines of the crisis. Workers quarantining or caring for a sick family member were told there would be no job for them when they returned. We can and must do better to protect our workers.

**CARLA ESQUIVEL, MEMBER OF COMMUNITY, STAMFORD RESIDENT**

Caretakers, nannies, house cleaners and home care workers do the work that make all others work possible. They keep homes safe and clean, help raise and educate the next generation and support the elderly and people with disabilities to live with dignity. Despite this, they have been excluded from almost all labor rights. This resulted in widespread poverty, wage theft and discrimination. The majority of workers and employers are unaware of their rights and responsibilities under the U.S. DOL rules issued in 2013. This will create a program where workers would be educated and assured that they would be earning the wages they deserve.

**EDITH CARAPIA, MEMBER, UNIDAD LATINA EN ACCION**

She has worked for 10 years cleaning schools and offices. She was one of the first cases of COVID-19 and experienced discrimination "as if she had leprosy", and to this day has been laid off and unemployed. She was not entitled to sick days and fell into a gigantic financial hold that she cannot escape. COVID weakened her so much she still has severe anemia. Doctors warned her if she doesn't improve, it could be a path to leukemia. Had he had the right to Paid Time Off, they never would have laid her off and today she could have job security and better health. This bill is important for the health of all. It is a matter of human rights and life.

**JOHN L. CATTELAN, EXECUTIVE DIRECTOR, CT ALLIANCE OF YMCAs**

Although they are not against the bill, they have concerns regarding the timing of the legislation because of the significant disruption YMCAs have faced during the pandemic. This proposal could place a financial burden on nonprofit organizations. The YMCAs across the state have incurred \$30million in financial losses during the pandemic and had to close

their facilities for 3 months and since then, only 30 of their members have returned. The residential camps were not allowed to open this past summer, resulting in significant financial loss. They had to limit the number of children allowed to attend child care programs while still maintaining their staffing. Despite decreasing revenues, they had to invest in PPE and other safety measures. Child development programs are already unaffordable and increasing cost will make these programs more expensive and they will be forced to raise costs. They ask if this legislation continues which will increase their cost, that reimbursements for child care programs be increased at the same rate. Non-profit communities are struggling and now is not the time to pass this legislation because of the financial impact it will have. They ask it to be delayed until the state is fully recovered from the negative impact cause by the pandemic.

**FATHER JOHN COONEY, PRIEST (RETIRED) NAUGATUCK VALLEY PROJECT MEMBER, LITCHFIELD RESIDENT**

Fr. Cooney's written testimony gave his thoughts about domestic workers and their importance to the State. They are a vital and growing segment of the CT labor force. Although they usually work in isolation, they are not well protected by our labor laws. There are scores of domestic workers being cheated out of the pay due them by being underpaid or not paid at all. They deserve protection from the government in practice, not merely in theory, by funding an adequate number of DOL labor investigations to investigate their claims of unjust treatment. In considering an expansion of paid sick days, we should not exclude an entire classification of workers, especially these domestic workers.

**WENDY DE LA CRUZ, MEMBER, UNIDAD LATINA EN ACCION, NEW HAVEN RESIDENT**

As a single mother or two who has suffered in severe poverty and health, the pandemic has been especially difficult for her because she and her children both contracted COVID and she was out of work. People do not want to allow workers in to clean their homes now, and work has drastically dropped, reaching a point of zero income. They call these workers 'domestics', as if they were things and not people. This implies they are animals/savages/slaves that must be domesticated. They are not servants of "white masters". They are domestic workers and as workers, deserve labor rights and laws that protect them. Without this, they continue to be unfree, just as their grandmothers were in the era of racial segregation and slavery. They are indispensable but are forgotten.

**NORMA DeLEON, MEMBER, UNIDAD LATINA EN ACCION, NEW HAVEN RESIDENT**

She is a single mother of 5 who had emergency surgery a year ago and had no sick leave or medical insurance. She could not work for a month after surgery and her employer did not pay her for those days. While recovering, she still had to cook and clean and care for her 5 children. This caused a financial mess and it took months to get up to speed on her bills. They are asking that the law be changed so all companies provide the benefit of paid sick days so all workers would have the same rights. The pandemic has made this more important than ever. Latino and black communities are dying as if they were slaves. For every white who dies, eight latinos and 10 africans die. The General Assembly's silence is complicit and the lack of inaction shows little respect for their lives. You have the power to change this inequitable system. It will be the people who work in the fields, supermarkets, who clean the hospitals, who care for your children and grandparents who will remember you as heroes or as tyrants.

### **DANIELLE DELMONACO, PCA, SEIU HEALTHCARE, DISTRICT 199 NEW ENGLAND**

Her mom also testified earlier on this issue. She is asking that Allied be responsible for missed pay and extend paid sick leave to PCAs. In nearly 4 years, there was nothing but problems and her pay has been late or incorrect 53 times. When she called them, she was put on hold for hours, and then told they "can't confirm receipt of the timesheet." This means she couldn't pay her bills and was unable to meet the down payment on a car. Each time, she and her mom felt the work she did and the care received was not valued by Allied. They are tired of being treated like second-class caregivers. They take their jobs seriously and work with pride. They should be treated as professionals. This means getting paid on time, earning a living wage and that basic needs like paid sick days are provided.

### **TERRY FITZGERALD, ENFIELD RESIDENT**

No one should have to worry about choosing to care for themselves or a loved one and not being able to pay bills due to lost income. It was especially important to her because it allowed to take time off to care for her mother after an illness. Without it, she would have needed to bring in and pay help for care. It was a great relief and comfort to her and her family that she was with someone she knew which resulted in a quicker recovery. As someone who works in the non-profit sector, she knows that the majority of families they work with are essential workers that are not provided paid sick days, or they work multiple jobs that don't allow the accrual of time to be eligible for paid time off. Many of these families are headed by women of color. This bill expands upon existing law and ensures access to necessary paid time off for all families to best care for themselves without the devastating loss of income.

### **GUADALUPE GARCIA, MEMBER, UNIDAD LATINA EN ACCION**

After 14 years she lost her job as a cleaner in a hotel. She earned a good wage and was provided with health insurance and benefits. March 13th marked the anniversary since she lost her job and she received no assistance or help from her employer or government assistance. Since that time, she has survived month by month as a domestic worker for a few clients at less than 20 hours a week. She is paid \$50/week for house cleaning and the average time per house is 6 hours of work. This is less than the minimum wage. Getting from one house to another by bus sometimes takes more than an hour and she is not compensated for that time. In addition, the pandemic made her lose clients because people fear she will bring the coronavirus into their homes. They treat her "like a pariah, like Nazi's treated Jews in the ghettos of the Second World War." She contracted COVID in December and in that month, no one in her household was able to work in order to quarantine. They "almost died of hunger". They never received solidarity from anyone and could not collect unemployment. Without domestic workers, many of you would not be able to go out to work. You would not have someone to take care of your children or elderly. These workers help you to have a stable economy. She wants to have this same stability provided to her children with the same good life you provide your children.

### **LAURA GARCIA, CHAPINAS UNIDAS, NORWALK RESIDENT**

She submitted a photo of her on Matias, who died in her womb at 39 weeks of pregnancy. She speaks for all the women who have suffered discrimination for not having access to health insurance or paid sick days. Last November, her son died because the health clinic refused to listen to her concerns. Despite all the consequences that arose due to medical malpractice during that time she had to keep working. She couldn't afford to lose her job. Since she had no paid sick leave, she could not stop going to work. Consequently, she had

complications due to preeclampsia because she did not have time to restore her body and heal. To this day she has purple fingers, her nails peel like paper, and pain in her lower back which is getting worse. If she had paid sick leave, these conditions may have been different. Put yourselves in the shoes of thousands of people who are forced to pretend they are healthy because they can't take time off. It is time to be valued for who you are...hardworking people who are strong and honest. The ones who work to take care of your houses and the most precious things in your life, your children. They deserve to be cared for in a dignified way as human beings. CT's Paid Family Leave is not available to undocumented workers like her. It is time for a change.

### **MADLINE GRANATO, POLICY DIRECTOR, CWELF**

In 2011, CT became the first state in the nation to require certain employers to provide employees with 40 hours of paid sick time per year. Since then, more than 15 states have followed suit. Now, 10 years after the law's passage and in the midst of a global pandemic, CT has not updated the law to make it more inclusive and improve the statute. With the requirement of 50 or more employees, this excludes a large portion of the hourly workforce employed by small businesses or who don't fit into the narrow definition of "service worker" as outlined in the law. It also excludes non-profits, manufacturers and temporary day laborers. Domestic workers, the majority of whom are women of color, are also left out. Before the COVID-19 crisis, gaps in access to paid sick leave forced workers to often forgo critical medical treatment for themselves or their family members and go to work sick, potentially worsening their illness and infecting co-workers. As CT continues to respond to the pandemic, it is time to examine and improve existing policies that support and uplift the economic security of workers. Healthy workers are essential to a successful business and a thriving economy. Access to paid sick leave leads to improved worker productivity and performance and reduces turnover which improves a business's bottom line. It should cover all workers, reduce the waiting period to accrue and use paid sick leave, include all type of family structures and relationships, provide pandemic-related sick leave as well as an additional 80 hours of COVID-19 specific leave. They urge passage.

### **ANGEL HAWES, SEIU HEALTHCARE, DISTRICT 1199 NEW ENGLAND**

She is a PCA and acts as a lifeline for someone with disabilities. If PCA workers are considered "essential", why don't they have any of the benefits that would allow them to have their own health insurance, retirement or paid sick days? How can they care for the health and safety of their consumers if they are forced to choose between working sick or going without pay? PCAs don't just work paycheck to paycheck, they work a paycheck or two behind. Even a couple of days without pay can have a huge impact. Landlords don't care if they are sick; they want their money. If the State really valued their work, they would have paid sick leave, health insurance and all the other basic rights that would allow them to care for themselves and their consumers. The majority of PCAs are black and brown women and they should not have to choose between health and a paycheck. That is slavery. They don't want to be called "essential" but treated as expendable. Please pass this bill.

### **PAM HUNT, PERSONAL CARE ATTENDANT, SEIU HEALTHCARE, SEIU 1199 NE**

Her son was born without a heartbeat and diagnosed with a condition called Patau Syndrome. He is now deaf, blind, non-verbal and has cognitive disabilities. She fought for his life since he was born and is fighting for him now. He requires 24-hour care, yet she only gets paid \$15/hour for only 8 hours a day. It is challenging when it takes \$73,000/year to take care of a family of 4. Without paid sick leave, she cannot get sick or take a day off to take care of herself. She is a cancer survivor as well as a COVID survivor who supports her son with significant disabilities, yet she doesn't get health insurance through her job and private insurance is too expensive. She makes too much to qualify for HUSKY. She must stay healthy yet the stress and fear of getting sick is having an adverse impact on her well-being. Who is going to care for her son if she should die? They should not have to fight for what should be basic human rights, such as health insurance and living wages.

### **NELLI JARA, COORDINATOR, CONNECTICUT WORKER CENTER**

She is originally from Ecuador with a bachelor's degree in social work. The mother of 2 is a cancer survivor who has been here for over 24 years, working at caregiver jobs that didn't provide any benefits. During the 19 years providing love and care to many families and caring for her own family, including her two children, she had many surgeries to fight her cancer. For several years now, she has been a community organizer in Fairfield County trying to support domestic workers gaining better employment rights, to learn self-advocacy and civic engagement, and during this past pandemic year, providing emergency assistance at the CT Worker Center. Because of their immigration status, and the fact that they didn't speak English, they often don't feel comfortable going to the DOL. It is really important for our community to ensure that the DOL has adequate resources to support all workers and be able to have the capacity to work with communities and organizations like theirs. They need the backup and support of the DOL to assist in carrying out their work. We need to come together to improve the quality of life for our domestic workers, recognize them and support these bills to work together for the benefit of all.

### **CARMEN LANCHE, EXECUTIVE DIRECTOR, COMUNIDADES SIN FRONTERAS CSF – CT, COALITION OF THE NATIONAL DOMESTIC WORKERS ALLIANCE**

This bill permits additional sick days when public health requires a workplace, like a school, to be closed down due to public health issues. This includes domestic workers who would not have to decide whether to work and risk themselves to illness or have income. The current bill is not enough. Only companies with 50+ workers are required to provide 5 days of paid leave. It would give all workers the same rights and provide an additional 10 days when a worker becomes ill with COVID-19. We all deserve to work and live with safety and dignity.

### **SHERRY LEIWANT, CO-PRESIDENT, A BETTER BALANCE**

While CT's law was a landmark bill when passed in 2011, it is now outdated compared to other state programs and leaves far too many workers behind. Based on growing research confirming that comprehensive state and local paid sick time laws work well for employees, employers and the larger community, CT should take immediate steps to bring its paid sick leave law into line with other paid sick time laws around the country covering all workers who lack this important protection. Rather than harming business, these laws have led to savings by successfully reducing work turnover, boosting worker well-being and productivity, preventing the costly spread of illness, and leveling the playing field among businesses. This would make paid sick leave a labor standard for all workers regardless of business size or

profession and adopt the same inclusive family definition as the paid family and medical leave programs.

#### **JULIO LEON, STUDENT, UCONN SCHOOL OF SOCIAL WORK**

This pandemic has confirmed and exposed the many disparities and inequities within the economic and health care system. Workers without paid sick days are more than twice as likely to seek emergency room care for themselves, a child or a relative because they can't take time away from work during normal business hours to obtain routine care which leads to higher health insurance costs and medical expenses. Paid sick leave is a critical racial justice issue. Workers of color are overrepresented in industries that do not provide paid sick days and are far more likely to lack access to the benefit than white workers. This bill will strengthen CT's existing law and include all types of family structures and relationships and also provide pandemic-related sick leave.

#### **SAL LUCIANO, PRESIDENT, AFL-CIO**

Workers can only use paid sick time for a child up to the age of 1 or a spouse, defined as husband or wife. The law doesn't include time to care for extended or chosen family and leaves out workers who care for loved ones outside of the traditional "nuclear" family. During the pandemic, access to paid sick leave has been more critical than ever. The majority of workers are women and people of color who are less likely to have paid sick days as they continue to work on the frontlines of the crisis. Being able to use sick time to quarantine after an exposure or to recover from the virus has been an essential part of reducing transmission. There has never been a more important time to make sure everyone has access to paid sick days.

#### **CLAIRE MARTIN, PCA SEIU HEALTHCARE LOCAL 1199 NE**

Without paid sick leave, PCAs don't have any good choices when they become ill. Throughout the pandemic, there was staffing trouble due to illness or potential COVID infection. She cracked a rib while transferring her customer and had 3 trips to the hospital. She had no financial help and relied on her friends/roommate to support her, not only for her day-to-day expenses and rent, but also for her insurance bill! This inhumane system has been imposed on essential workers and yet these services are not prioritized. This bill would make PCA's lives less vulnerable and allow them to have more control over their lives and future.

#### **MELISSA McCRAW, SECRETARY, OFFICE OF POLICY AND MANAGEMENT, STATE OF CONNECTICUT**

While Gov. Lamont supports paid sick leave, they do have concerns with the negative impact this bill will have on consumer-employers receiving services through the State's self-directed programs. These include jeopardizing Medicaid self-directed programs by risking the State having the appearance of being a joint employer under the Federal Fair Labor Standards Act. Now the clients are considered the sole employer. Risks access to care for Medicaid recipients participating in CT's Medicaid self-directed program. This is an enormous burden to place on a Medicaid population that is reliant on PCAs to help them perform their activities of daily living. In addition to the disruption in care this would create for Medicaid consumers, it would also have an impact on the State's Medicaid budget by requiring them to not only pay for the leave being taken by the PCA but also the wages for a back-up to provide the needed care during the absence. This includes a significant fiscal burden not included in the Governor's budget. The direct cost for this paid leave benefit is estimated to be \$6.5 million

per year. This does not include COVID19 related leave provisions. There are also infrastructure costs. The PCA Workforce Council is not the appropriate entity to administer a paid sick leave benefit. The Council does not have the staff and infrastructure to administer it. Federal paid sick leave benefits are currently in place through March 31, 2021 and would be extended to Sept. 30, 2022 if the latest federal COVID bill is passed. On Jan. 2, 2022, PCAs will be eligible for the State Paid Sick Leave for up to 12 weeks. They request the committee carefully consider the impact this bill would have on Medicaid self-directed programs.

**CARLOS MORENO, STATE DIRECTOR, CT WORKING FAMILIES ORGANIZATION**

There are two major flaws with CT's paid sick days standard:

1. The business size is far too high at 50 employees and too many employees are left out. About ½ of all hourly employees need coverage. All other similar laws around the country apply to smaller businesses.
2. The list of job classifications is arbitrary, exclusionary and insufficient. No other paid sick day law does this. Our current law is not good enough and we have fallen behind on protections for our workers. This bill would bring our standards more in line with our neighboring states.

**JOHN MURPHY, UNITED AUTO WORKERS**

Domestic workers have been purposely and systematically left out of most labor law protections. They are mostly women and people of color and some are immigrants. This would require employers to make any employment practice with regard to wages, vacation pay, sick leave and welfare benefits available to their employees. Domestic workers deserve the same protections most workers enjoy. They deserve workplace protections.

**GRETCHEN RAFFA, MSW, SENIOR DIRECTOR, PUBLIC POLICY, ADVOCACY & ORGANIZING, PLANNED PARENTHOOD, SOUTHERN NEW ENGLAND, INC.**

We must consider all aspects of a person's life including those affecting their economic stability. They have seen firsthand the juggling act people have to play each month to pay their bills and meet their basic needs. No one should have to make the decision on whether to stay home when they are sick or risking their economic stability by going to work and putting their own health, as well as others, at risk. Throughout this pandemic, we have seen workers making this decision many times.

**VASU REDDY, SENIOR POLICY COUNSEL FOR ECONOMIC JUSTICE NATIONAL PARTNERSHIP FOR WOMEN & FAMILIES**

There is a growing body of evidence showing the benefits and impacts of paid sick leave. Domestic workers, the majority of whom are women and people of color, are a critical part of the pandemic response and recovery and yet they are the least likely to have access to paid sick days. Still, they work on the frontlines of the crisis risking their own health and that of their families. This bill brings us closer to other state and local sick day laws and allows workers to use this benefit to care for a spouse, child of any age, grandparent or grandchild, parent, sibling or any individual related to the employee by blood or affinity who is the equivalent of a family member. Domestic workers must work through the pandemic or face high rates of unemployment. They should not be forced to choose between taking care of themselves and providing for their families.

**YAZMIN RODRIGUEZ, MEMBER, UNIDAD LATINA EN ACCION**

She and her entire family, husband and 3 children, were stricken with COVID-19. She works at a dry cleaner store, ironing clothes. She lost pay for all the weeks she did not work. Her husband also received no pay during this time. They still owe gas, electricity and back rent as they received no financial help whatsoever. She also mentioned the committee should provide a professional interpreter to make these hearings more democratic and accessible to the public.

**ABIGAHÍ TEPALE, MEMBER, UNIDAD LATINA EN ACCION**

She is a domestic worker being paid minimum wage, who starts work before 8 a.m. but does not have a regular time to end the work day. She does not receive overtime. She receives no break, not even to eat. She said they need the right to take a half hour break, the right to be paid for overtime, to have fair pay of at least minimum wage and to be able to request sick days. Workers in her position cannot enforce their rights in fear of being fired or deported. During the pandemic, they were laid off. If they became sick from COVID, not only did they suspend them, but none of them received any paid sick days. With no vacation, medical services or insurance, she feels they are treated as slaves.

**ANARILIS TOCHIMANI, MEMBER, CT WORKER CENTER**

When first coming to the US from Puerto Rico with 4 children, she worked cleaning offices and was never recognized as a "normal" worker. They paid little and took advantage of her because she didn't speak English and she had no one to tell her about her rights. This made her realize she needed to go to school and learn English. She then took CNA, and medical coding and billing courses and is now working with the elderly. This is not a stable job and sometimes it depends on the calls she receives from the agency or people who trust her to care for their loved ones. She receives no benefits. All domestic workers deserve respect and be able to work with dignity, receive fair wages and have paid vacation, medical insurance, and sick days. Essentials are suffering during this pandemic, too.

**NATALIA TRACY, EXECUTIVE DIRECTOR, BRAZILIAN WORKER CENTER, INC., PROFESSOR, LABOR STUDIES, UMASS, CP-DIRECTOR, CT WORKER CENTER, BRIDGEPORT**

Domestic workers have been historically an "invisible" group of workers often working in private and out-of-view spaces and in our society have a long history of not recognizing as 'real work'. Regrettably, they were excluded from the protections of America's foundational labor legislation of the 1930s. They are still working to correct this unfortunate and unjust omission today. Many are women of color, immigrants, of low-income, and many speak other languages. Also, they are often single mothers who are heads of households. They require responsive community organizations who spend concerted energy to collaborate with state labor authorities to organize, educate, advocate and work for them and teach them to assert their rights regarding respect, dignity, and fair pay. This is a glaring racial disparity demanding correction. This group is comprised of PCAs, companions, caretakers, nannies, housecleaners. Some are in unions and some are not. Most are unorganized and privately employed. Many experience wage theft...underpayment of wages for their duties...because there is a lack of regulation, enforcement or public understanding of the laws against this. This bill will give the CT DOL and community partners the resources to work in collaboration to provide education and fair enforcement for the current labor laws.

## **TERRELL WILLIAMS, PERSONAL CARE ATTENDANT, SEIU HEALTHCARE, SEIU 1199 NE**

He takes pride and enjoys this job where wonderful relationships are developed with consumers. There is an instant reward when doing this work. He cares for 3 consumers and makes enough money to get by. However, when the pandemic began, the number of consumers went from 3 to 1. Instead of being able to keep a steady income, he had to adjust his budget to account for the loss of income. If domestic workers had benefits, it would give them greater peace of mind and enable them to begin addressing medical issues. They are caring for the most vulnerable, and all they are asking for is to be able to care for themselves too.

## **NATURE AND SOURCES OF OPPOSITION**

### **ERIC GJEDE, VICE PRESIDENT, GOVERNMENT AFFAIRS, CBIA**

Among other benefits, this bill allows up to 80 hours of paid sick leave related to COVID-19 that can be used retroactively or up to four weeks after the public health emergency is over. This additional leave is duplicative of a federal leave benefit provided during the pandemic and the responsibility of providing this supplemental leave should remain with the federal government. This bill asks the smallest businesses to incur new costs. Over the past two years the 2019 session left small businesses wondering how they could sustain the financial impact of a new paid family leave and medical leave mandate as well as a yearly increase in the minimum wage. A year later, many of these same businesses were forced to shut their doors to comply with the pandemic restrictions, and many will not reopen. Some economists say it will take more than 10 years for our economy to fully recover. Small businesses are the backbone of the economy. They can't survive if they are expected to incur new costs and administrative burdens.

### **LUMBER DEALERS ASSOCIATION OF CT**

This mandate would, in addition to allowing the immediate accrual and use of paid sick time to occur more rapidly, require employers to provide an additional 80 hours of paid sick time for COVID-19 related absences. While they understand and sympathize with the hardships families and individuals have suffered as a result of the pandemic, small businesses simply can't afford such a costly paid sick leave expansion. It will raise the cost of doing business, further erode the state's business climate and force businesses across the state to make difficult and unfortunate choices to cover this new unbudgeted perpetual expense. Also, the July 1<sup>st</sup> effective date provides insufficient time to prepare for the increased benefit tracking required. What some describe as "minor, administrative record keeping requirements" are in real practice an additional financial and time hurdle that businesses must adapt to with inadequate notice. LDAC want to protect their employees during tough times and pride themselves on offering paid leave as well as many other benefits including vacation time, health insurance, and retirement savings. Our independent, family-owned and operated businesses do not provide benefits because of any mandate, but to recruit and retain quality employees. CT, however, continues to adopt mandates that make it harder and more expensive to do business in the state. Take into consideration the effect on small businesses.

### **NATIONAL FEDERATION OF INDEPENDENT BUSINESS**

This bill would unnecessarily vastly expand the existing paid leave law and apply it to all small businesses regardless of the number of employees. It would harm small businesses and discourage expansion, entrepreneurship and relocation of new businesses. They simply can't afford another well-intentioned but economically harmful mandate, especially at this time. Mandating this impacts productivity and operations in small and mid-sized businesses. Expanding paid leave ignores the fact that most of these small business owners do everything they can to accommodate employee leave needs and already arrange for them to take time off as needed when there is illness or family emergency. Unlike similar aspects of the federal legislation, there is no provision for a tax credit to reimburse employers and no provision for a small business hardship exemption.

### **JOAN NICHOLAS, EXECUTIVE DIRECTOR, CONNECTICUT FARM BUREAU ASSOCIATION**

They oppose section 2 which would expand the provisions to all employees. Small businesses have already been impacted by an increase in the minimum and paid family medical leave as well as struggled to survive the pandemic. Farm bureaus are small family owned-operated businesses. The nature of farming already presents many challenges in this industry such as weather, commodity prices, and crop losses that affect farm profitability. New and beginning farmers are discouraged by labor costs and adherence to stringent labor laws. The pandemic painfully highlighted inadequacies in our national food production/distribution system. Local farms and local food production to buffer CT and the region should be supported. They need laws that support farms and not hurt them.

**Reported by: Marie Knudsen, Assistant Clerk  
Isabella Dresser**

**Date: April 12, 2021**