



General Assembly

January Session, 2021

Raised Bill No. 974

LCO No. 4281



Referred to Committee on AGING

Introduced by:
(AGE)

AN ACT CONCERNING HOMEMAKER AND COMPANION SERVICES.

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

1 Section 1. Section 20-670 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2021*):

3 As used in sections 20-670 to 20-680, inclusive:

4 (1) "Certificate" means a certificate of registration issued under
5 section 20-672.

6 (2) "Commissioner" means the Commissioner of Consumer
7 Protection or any person designated by the commissioner to administer
8 and enforce the provisions of sections 20-670 to 20-680, inclusive.

9 (3) "Companion services" means nonmedical, basic supervision
10 services to ensure the well-being and safety of a person in such person's
11 home.

12 (4) "Employee" means any person employed by, or who enters into a
13 contract to perform services for, a homemaker-companion agency,

14 including, but not limited to, temporary employees, pool employees
15 and persons treated by such agency as independent contractors.

16 (5) "Comprehensive background check" means a background
17 investigation of a prospective employee performed by a homemaker-
18 companion agency or a registry, that includes: (A) A review of any
19 application materials prepared or requested by the agency or registry
20 and completed by the prospective employee; (B) an in-person interview
21 of the prospective employee; (C) verification of the prospective
22 employee's Social Security number; (D) if the position applied for within
23 the agency or registry requires licensure on the part of the prospective
24 employee, verification that the required license is in good standing; (E)
25 a check of the registry established and maintained pursuant to section
26 54-257; (F) a review of criminal conviction information obtained through
27 a search of current criminal matters of public record in this state based
28 on the prospective employee's name and date of birth; (G) if the
29 prospective employee has resided in this state less than three years prior
30 to the date of the application with the agency or registry, a review of
31 criminal conviction information from the state or states where such
32 prospective employee resided during such three-year period; and (H) a
33 review of any other information that the agency or registry deems
34 necessary in order to evaluate the suitability of the prospective
35 employee for the position.

36 (6) "Homemaker services" means nonmedical, supportive services
37 that ensure a safe and healthy environment for a person in such person's
38 home, such services to include assistance with personal hygiene,
39 cooking, household cleaning, laundry and other household chores.

40 (7) "Homemaker-companion agency" means (A) any public or private
41 organization that employs one or more persons and is engaged in the
42 business of providing companion services or homemaker services, or (B)
43 any registry. "Homemaker-companion agency" shall not include a home
44 health care agency, as defined in subsection (d) of section 19a-490, or a
45 home health aide agency, as defined in subsection (e) of section 19a-490.

46 (8) "Registry" means any person or entity engaged in the business of
47 supplying or referring an [individual] employee to or placing an
48 [individual] employee with a consumer to provide homemaker or
49 companion services provided by such [individual] employee, when the
50 [individual] employee providing such services is either (A) directly
51 compensated as an employee, in whole or in part, by the consumer, or
52 (B) treated, referred to or considered by such person or entity as an
53 independent contractor.

54 (9) "Service plan" means a written document provided by a
55 homemaker-companion agency to a person utilizing services provided
56 by such agency, that specifies the anticipated scope, type, frequency and
57 duration of homemaker or companion services that are to be provided
58 by such agency for the benefit of the person.

59 Sec. 2. Section 20-679a of the general statutes is repealed and the
60 following is substituted in lieu thereof (*Effective October 1, 2021*):

61 (a) A registry that supplies, refers or places an [individual] employee
62 with a consumer shall provide the consumer with a written notice, to be
63 signed by the consumer, specifying the legal liabilities of such registry
64 to the [individual] employee supplied or referred to or placed with the
65 consumer. Such notice shall be given to the consumer before the
66 commencement of services and such services shall not commence until
67 the registry receives a signed copy of the notice from the consumer,
68 unless a bona fide emergency exists and such registry details the specific
69 nature of the emergency on a form approved by the department and
70 signed by the consumer or an authorized representative of the
71 consumer. If a bona fide emergency exists, the registry shall provide
72 such notice not later than four calendar days after the date on which it
73 supplies, refers or places an [individual] employee with a consumer. If
74 the registry maintains an Internet web site, a sample of the notice shall
75 be posted on such Internet web site.

76 (b) Each notice provided to a consumer pursuant to subsection (a) of
77 this section shall be written in boldface type and plain language and

78 shall comply with the plain language standard detailed in section 42-
79 152. Such notice shall include a statement identifying the registry as an
80 employer, joint employer, leasing employer or nonemployer, as
81 applicable, along with a statement advising the consumer he or she may
82 be considered an employer under law and, if that is the case, the
83 consumer may be [held] (1) responsible for the payment of federal and
84 state taxes, Social Security, overtime and minimum wage,
85 unemployment, workers' compensation insurance payments and any
86 other applicable payment required under state or federal law; (2)
87 responsible to report compensation paid to employees to the Internal
88 Revenue Service; and (3) legally liable for work-related injuries,
89 including that employees shall be covered by workers' compensation
90 insurance or other form of insurance. The notice shall also include a
91 statement that the consumer should consult a financial, legal,
92 accounting or tax professional if he or she is uncertain [about his or her
93 responsibility for the payment of such taxes or payments] regarding his
94 or her responsibilities for employees.

95 (c) For purposes of this section, a homemaker-companion agency that
96 supplies, refers or places an independent contractor with a consumer for
97 the provision of companion or homemaker services shall be considered
98 a registry, as defined in section 20-670, and shall be required to provide
99 the consumer with a notice pursuant to subsection (a) of this section.

100 Sec. 3. Section 305 of public act 19-117 is repealed and the following
101 is substituted in lieu thereof (*Effective from passage*):

102 For purposes of this section "covenant not to compete" means any
103 contract or agreement [that restricts the right of an individual to
104 provide] between an individual and a homemaker-companion agency,
105 registry or provider of home health services prohibiting such individual
106 from providing homemaker, companion or home health services [(1) in
107 any geographic area of the state for any period of time, or (2)] to a
108 specific individual, or for a competing homemaker-companion agency,
109 registry or provider of home health services, but does not include any
110 private contract or agreement not to solicit or accept solicitation from

111 any client, employee or vendor of such homemaker-companion agency,
112 registry or provider of home health services, provided such contract or
113 agreement shall be limited in duration to not more than six months. Any
114 covenant not to compete is against public policy and shall be void and
115 unenforceable.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	20-670
Sec. 2	<i>October 1, 2021</i>	20-679a
Sec. 3	<i>from passage</i>	PA 19-117, Sec. 305

Statement of Purpose:

To classify individuals referred by homemaker-companion registries as employees of the registries, expand the requirements of consumers who employ homemaker-companions and exempt noncompete contracts of six months or less from a prohibition on noncompete contracts.

[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.]