



*Written Testimony before the Labor and Public Employees Committee
Commissioner Andrea Barton Reeves
Department of Social Services
March 4, 2025*

SENATE BILL 831: AN ACT CONCERNING ADVANCED NOTICE OF AN EMPLOYEE'S WORK SCHEDULE TO CERTAIN EMPLOYEES.

Several sections of this bill require that an employer provide compensation to an employee for violating certain conditions that are detailed in the bill. For example, section 3 states that the employer shall provide an employee with notice of the employee's work schedule no later than 14 days prior to the first date of any work schedule. If an employer fails to adhere to this requirement or make changes to a work schedule after it is posted or transmitted, the employer is required to provide compensation to the employee.

This language is problematic for the Department of Social Services (Department or DSS). Skilled nursing facilities that violate this requirement would need to compensate an employee, which amounts to a fine to the nursing facility. The Department is concerned that the cost of the fines or other forms of compensation would likely be shifted to DSS under the normal Medicaid reimbursement of nursing homes. Nursing homes are required to submit cost reports to the Department which are used for establishing the Medicaid rate. If the penalty is in the form of compensation or wages, that may be allocated to the Department and captured in the Medicaid reimbursement. The Department would not catch this allocation until or unless an audit was performed. Medicaid payment is not intended to pay for employee hours not worked, fines, or other forms of employee compensation that do not reflect services provided to Medicaid members. Medicaid reimbursement is intended to cover the provision of care, and this form of compensation would be inappropriate for Medicaid payment and would not be eligible for federal claiming. If no care is provided, then this would conflict with rules governing federal matching funds that Connecticut receives from the federal government. Also, administratively, DSS would need to increase audit oversight to ensure that nursing homes were not including these penalties or payments in their requests for Medicaid payment.

Section 8 of the bill is similarly problematic as it may require the employer violating other sections of the bill to pay attorney's fees and costs. Again, the costs could be passed on from the skilled nursing facility to the Department. Per Medicaid rules, DSS is only able to reimburse for

legal fees if the provider is successful in their claim and when it is directly related to Medicaid services. There would need to be increased auditing oversight by the Department.

Because this legislation would increase the need for DSS auditing staff and would result in additional costs to the Department that have not been included in the Governor's budget, DSS must oppose this bill.