

116TH CONGRESS
1ST SESSION

S. 2112

To enhance the rights of domestic workers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 15, 2019

Ms. HARRIS (for herself, Mrs. GILLIBRAND, Mr. BOOKER, Ms. KLOBUCHAR, Mr. SANDERS, and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To enhance the rights of domestic workers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Domestic Workers Bill of Rights Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—DOMESTIC WORKER RIGHTS AND PROTECTIONS

Subtitle A—Amendments to the Fair Labor Standards Act of 1938

- Sec. 101. Overtime protections for live-in domestic employees.
- Sec. 102. Live-in domestic employees termination notices and communications.
- Sec. 103. Enforcement.

Subtitle B—Domestic Worker Rights

- Sec. 110. Written agreements.
- Sec. 111. Earned sick days.
- Sec. 112. Fair scheduling practices.
- Sec. 113. Right to request and receive temporary changes to scheduled work hours due to personal events.
- Sec. 114. Privacy.
- Sec. 115. Breaks for meals and rest.
- Sec. 116. Unfair wage deductions for cash shortages, breakages, loss, or modes of communication.
- Sec. 117. Prohibited acts.
- Sec. 118. Enforcement authority.
- Sec. 119. Effect on existing employment benefits and other laws.

Subtitle C—Domestic Worker Health and Safety

- Sec. 121. National domestic worker hotline.
- Sec. 122. Access to health and safety.
- Sec. 123. Occupational safety and health training grants.
- Sec. 124. Study of access to workers' compensation.
- Sec. 125. Workplace harassment survivor supports study.

Subtitle D—Amendment to Title VII of Civil Rights Act of 1964

- Sec. 131. Including certain domestic workers in civil rights protections against discrimination in employment.

TITLE II—ORGANIZING, BENEFITS, AND WORKFORCE INVESTMENT

- Sec. 201. Domestic worker wage and standards board.
- Sec. 202. Domestic workers' benefits study.
- Sec. 203. Workforce investment activities grants for domestic workers.
- Sec. 204. Report on career pathways, training standards, and apprenticeships for domestic workers.

TITLE III—IMPLEMENTATION OF THE DOMESTIC WORKERS BILL OF RIGHTS

- Sec. 301. Definitions.
- Sec. 302. Notice of domestic worker rights.
- Sec. 303. Interagency Task Force on Domestic Workers Bill of Rights Enforcement.
- Sec. 304. National grant for community-based education, outreach, and enforcement of domestic worker rights.
- Sec. 305. Encouraging the use of fiscal intermediaries.
- Sec. 306. J-1 Visa program.
- Sec. 307. Application to domestic workers who provide Medicaid-funded services.
- Sec. 308. Delayed enforcement for government-funded programs.

TITLE IV—FUNDING

Sec. 401. Temporary increase in the Federal medical assistance percentage for Medicaid-funded services provided by domestic workers.

Sec. 402. Process for determining an increased FMAP to ensure a robust homecare workforce under Medicaid.

Sec. 403. Authorization of appropriations.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) There are an estimated 2,500,000 domestic
4 workers across the United States working in the
5 homes of people of the United States to provide
6 home and personal care, child care, and house clean-
7 ing services.

8 (2) Domestic work makes all other work pos-
9 sible. It is work that cannot be outsourced to work-
10 ers living outside of the United States, nor is it close
11 to being automated. Without the millions of domes-
12 tic workers caring for children, seniors, and individ-
13 uals with disabilities, and cleaning homes, much of
14 the economy would come to a standstill.

15 (3) The employment of individuals in domestic
16 service in households affects commerce as described
17 in section 2(a) of the Fair Labor Standards Act of
18 1938 (29 U.S.C. 202(a)).

19 (4) Domestic workers are hired or contacted for
20 work by phone, mail, or Internet, or through news-
21 paper ads, and travel to work through transpor-

1 tation on interstate highways, interstate transit, or
2 vehicles in interstate commerce.

3 (5) In 2016, the Bureau of Labor Statistics
4 predicted that between 2016 and 2026—

5 (A) the number of new jobs for home
6 health and personal care aides will increase 41
7 percent, which is an increase of 1,200,000 jobs
8 and the largest increase in new jobs of any oc-
9 cupational category during such period; and

10 (B) the number of new jobs for child care
11 and house cleaning positions will increase 6 to
12 7 percent.

13 (6) Nine out of ten domestic workers are
14 women, and such women are disproportionately peo-
15 ple of color and immigrants. Women, people of color,
16 and immigrants have historically faced barriers to
17 employment and economic advancement.

18 (7) Domestic workers face low wages and unac-
19 ceptable working conditions. Data from the Bureau
20 of Labor Statistics indicates that the average wage
21 for a domestic worker is approximately \$11 per
22 hour, or \$23,000 per year if working full-time. In
23 practice, the average wage for a domestic worker is
24 less than such approximation given that domestic

1 work has largely been negotiated in the informal
2 labor market.

3 (8) A landmark study of domestic workers pub-
4 lished in 2012 by the National Domestic Workers
5 Alliance and the Center for Urban Economic Devel-
6 opment of the University of Illinois at Chicago Data
7 Center titled “Home Economics: The Invisible and
8 Unregulated World of Domestic Work” indicated
9 poor working conditions across the domestic workers
10 industry. The findings of such study included that—

11 (A) domestic workers have little control
12 over their working conditions, and employment
13 is usually arranged without a written contract;

14 (B) 35 percent of domestic workers inter-
15 viewed reported that they worked long hours
16 without breaks in the year immediately pre-
17 ceding the interview;

18 (C) 25 percent of live-in domestic workers
19 had responsibilities that prevented them from
20 getting at least 5 hours of uninterrupted sleep
21 at night during the week immediately preceding
22 the interview; and

23 (D) 91 percent of domestic workers inter-
24 viewed who encountered problems with their
25 working conditions in the year immediately pre-

1 ceding the interview did not complain about
2 their working conditions because they were
3 afraid they would lose their job.

4 (9) The study described in paragraph (8) found
5 that domestic workers have little access to federally
6 supported employment benefits. For instance:

7 (A) Less than 2 percent of such workers
8 receive retirement or pension benefits, and less
9 than 9 percent of such workers work for em-
10 ployers that collect payroll taxes on wages paid
11 to such workers to provide eligibility for Social
12 Security benefits.

13 (B) Sixty-five percent of such workers do
14 not have health insurance, and only 4 percent
15 of such workers receive employer-provided in-
16 surance, despite the fact that domestic work is
17 hazardous and often results in illness or phys-
18 ical injuries.

19 (10) Compounding these challenges is the fact
20 that many domestic workers have been, and in many
21 cases continue to be, excluded from key provisions of
22 labor and employment laws like the Fair Labor
23 Standards Act of 1938 (29 U.S.C. 201 et seq.), the
24 Occupational Health and Safety Act of 1970 (29
25 U.S.C. 651 et seq.), and the National Labor Rela-

1 tions Act (29 U.S.C. 151 et seq.). Minimum em-
2 ployee threshold rules, misclassification of domestic
3 workers as independent contractors, and exclusion of
4 independent contractors from coverage means that
5 most domestic workers are also de facto excluded
6 from Federal civil rights protections, including pro-
7 tections under title VII of the Civil Rights Act of
8 1964 (29 U.S.C. 2000e et seq.) and other laws.

9 (11) The International Labour Organization's
10 Domestic Workers Convention, adopted in 2011,
11 calls for domestic workers to have the right to free-
12 dom of association and collective actions, protections
13 against harassment, privacy rights, and the right to
14 be informed of conditions of employment. This Con-
15 vention also calls for the right of domestic workers
16 to keep their travel documents, the right to overtime
17 compensation and rest breaks, the right to minimum
18 wage coverage, the right to occupational safety and
19 health protections, and mechanisms to pursue com-
20 plaints and ensure compliance with the law.

21 (12) The unique nature of their work, in pri-
22 vate homes with individuals and families, also often
23 makes it difficult for domestic workers to use Fed-
24 eral programs and policies to improve their skills

1 and training and to join together collectively to ne-
2 gotiate better pay and working conditions.

3 (13) Many domestic workers are also vulnerable
4 to discrimination and sexual harassment. These
5 issues are further exacerbated by the unique working
6 conditions faced by domestic workers, such as isola-
7 tion, poverty, immigration status, the lack of famili-
8 arity with the law and legal processes, limited net-
9 works for support, language barriers, and fear of re-
10 taliation and deportation.

11 (14) Millions of older individuals, individuals
12 with disabilities, and families are increasingly relying
13 on domestic workers. By bringing domestic work out
14 of the shadows and creating incentives and invest-
15 ments that help raise wages and standards for do-
16 mestic workers, the Federal Government can lift mil-
17 lions of the most vulnerable workers out of poverty,
18 reduce turnover due to poor working conditions,
19 thereby enhancing quality of care, and support the
20 millions of working and retired people of the United
21 States who rely on them.

22 **SEC. 3. DEFINITIONS.**

23 (a) FAIR LABOR STANDARDS ACT DEFINITIONS.—
24 In this Act, the terms “commerce”, “employ”, “em-
25 ployee”, “employer”, “enterprise”, “enterprise engaged in

1 commerce or in the production of goods for commerce”,
2 “goods”, “person”, and “State” have the meanings given
3 such terms in section 3 of the Fair Labor Standards Act
4 of 1938 (29 U.S.C. 203).

5 (b) OTHER DEFINITIONS.—In this Act:

6 (1) CHILD.—The term “child”—

7 (A) means an individual who is under 18
8 years of age; and

9 (B) includes an individual described in
10 subparagraph (A) who is—

11 (i) a biological, foster, or adopted
12 child;

13 (ii) a stepchild;

14 (iii) a child of a domestic partner;

15 (iv) a legal ward; or

16 (v) a child of a person standing in
17 loco parentis.

18 (2) DISABILITY.—The term “disability” has the
19 meaning given the term in section 3 of the Ameri-
20 cans with Disabilities Act of 1990 (42 U.S.C.
21 12102).

22 (3) DOMESTIC PARTNER.—

23 (A) IN GENERAL.—The term “domestic
24 partner”, with respect to an individual, means

1 another individual with whom the individual is
 2 in a committed relationship.

3 (B) COMMITTED RELATIONSHIP DE-
 4 FINED.—The term “committed relationship”
 5 for purposes of subparagraph (A)—

6 (i) means a relationship between 2 in-
 7 dividuals, each at least 18 years of age, in
 8 which both individuals share responsibility
 9 for a significant measure of each other’s
 10 common welfare; and

11 (ii) includes any such relationship be-
 12 tween 2 individuals, including individuals
 13 of the same sex, that is granted legal rec-
 14 ognition by a State or political subdivision
 15 of a State as a marriage or analogous rela-
 16 tionship, including a civil union or domes-
 17 tic partnership.

18 (4) DOMESTIC SERVICES.—The term “domestic
 19 services”—

20 (A) means services of a household nature
 21 provided in interstate commerce and performed
 22 by an individual in or about a private home
 23 (permanent or temporary); and

24 (B) includes services performed by individ-
 25 uals such as companions, babysitters, cooks,

1 waiters, butlers, valets, maids, housekeepers,
 2 nannies, nurses, janitors, laundresses, care-
 3 takers, handymen, gardeners, home health
 4 aides, personal care aides, and chauffeurs of
 5 automobiles for family use.

6 (5) DOMESTIC WORKER.—The term “domestic
 7 worker”—

8 (A) means, except as provided in subpara-
 9 graph (B), an individual, including an em-
 10 ployee, who is compensated directly or indirectly
 11 for the performance of domestic services; and

12 (B) does not include—

13 (i) a family member, friend, or neigh-
 14 bor of a child, or a parent of a child, who
 15 provides child care in the child’s home;

16 (ii) any individual who is an employee
 17 of a family child care provider or is a fam-
 18 ily child care provider; and

19 (iii) any employee described in section
 20 13(a)(15) of the Fair Labor Standards Act
 21 of 1938 (29 U.S.C. 213(a)(15)).

22 (6) DOMESTIC WORK HIRING ENTITY.—The
 23 term “domestic work hiring entity”—

24 (A) means any person who provides com-
 25 pensation directly or indirectly to a domestic

1 worker for the performance of domestic serv-
 2 ices; and

3 (B) includes—

4 (i) a person acting directly or indi-
 5 rectly in the interest of a hiring entity in
 6 relation to a domestic worker; and

7 (ii) an employer of a domestic worker.

8 (7) FAMILY CHILD CARE PROVIDER.—The term
 9 “family child care provider” means 1 or more indi-
 10 viduals who provide child care services, in a private
 11 residence other than the residence of the child re-
 12 ceiving the services, for fewer than 24 hours per day
 13 for the child (unless the nature of the work of the
 14 parent of the child requires 24-hour care).

15 (8) FUNCTIONALLY DISABLED ELDERLY INDI-
 16 VIDUAL.—The term “functionally disabled elderly in-
 17 dividual” has the meaning given such term in sec-
 18 tion 1929(b) of the Social Security Act (42 U.S.C.
 19 1396t(b)).

20 (9) PARENT.—The term “parent”, with respect
 21 to a parent of a domestic worker, means a biological,
 22 foster, or adoptive parent of a domestic worker, a
 23 stepparent of a domestic worker, parent-in-law of a
 24 domestic worker, parent of a domestic partner of a
 25 domestic worker, or a legal guardian or other person

1 who stood in loco parentis to the domestic worker
2 when the worker was a child.

3 (10) PERSONAL OR HOME CARE AIDE.—The
4 term “personal or home care aide” has the meaning
5 given the term in section 1905(ff)(3) of the Social
6 Security Act (42 U.S.C. 1396d(ff)(3)).

7 (11) SECRETARY.—The term “Secretary”
8 means the Secretary of Labor, except as otherwise
9 specified in this Act.

10 (12) SELF-DIRECTED CARE.—The term “self-
11 directed care”, with respect to an individual, means
12 services for the individual that are planned and pur-
13 chased under the direction and control of the indi-
14 vidual, including the amount, duration, scope, pro-
15 vider, and location of the services.

16 (13) SHARED LIVING ARRANGEMENT.—The
17 term “shared living arrangement” means a living ar-
18 rangement involving—

19 (A) except if 1 or more of the individuals
20 are related to each other (by blood or a close
21 association that is equivalent to a family rela-
22 tionship), not more than 2 individuals who are
23 an individual with a disability or a functionally
24 disabled elderly individual;

1 (B) an individual providing services for
2 compensation and living in the private home of
3 the recipient of such services;

4 (C) an individual receiving funding
5 through a State Medicaid program under title
6 XIX of the Social Security Act (42 U.S.C. 1396
7 et seq.), or another publicly funded program;

8 (D) a stipend or room and board as the
9 primary form of payment for the individual pro-
10 viding such services; and

11 (E) the individual receiving such services
12 having the final decision regarding who is the
13 provider of such services living with the indi-
14 vidual, through a consumer-driven matching
15 process that includes relationship building, per-
16 son-centered planning as defined by the Admin-
17 istrator of the Centers for Medicare & Medicaid
18 Services, and an assessment of individual com-
19 patibility.

20 (14) SPOUSE.—The term “spouse”, with re-
21 spect to a domestic worker, has the meaning given
22 such term by the marriage laws of the State in
23 which the marriage was celebrated.

1 **TITLE I—DOMESTIC WORKER**
 2 **RIGHTS AND PROTECTIONS**
 3 **Subtitle A—Amendments to the**
 4 **Fair Labor Standards Act of 1938**

5 **SEC. 101. OVERTIME PROTECTIONS FOR LIVE-IN DOMESTIC**
 6 **EMPLOYEES.**

7 Section 13(b)(21) of the Fair Labor Standards Act
 8 of 1938 (29 U.S.C. 213(b)(21)) is repealed.

9 **SEC. 102. LIVE-IN DOMESTIC EMPLOYEES TERMINATION**
 10 **NOTICES AND COMMUNICATIONS.**

11 (a) IN GENERAL.—The Fair Labor Standards Act of
 12 1938 (29 U.S.C. 201 et seq.) is amended by inserting
 13 after section 7 (29 U.S.C. 207) the following:

14 **“SEC. 8. LIVE-IN DOMESTIC EMPLOYEES TERMINATION NO-**
 15 **TICES AND COMMUNICATIONS.**

16 “(a) DEFINITION OF LIVE-IN DOMESTIC EM-
 17 PLOYEE.—In this section, the term ‘live-in domestic em-
 18 ployee’ means any employee who—

19 “(1) is employed in domestic service in a house-
 20 hold and resides in such household; and

21 “(2) in any workweek is engaged in commerce
 22 or in the production of goods for commerce, or is
 23 employed in an enterprise engaged in commerce or
 24 in the production of goods for commerce.

1 “(b) NOTICE OF TERMINATION FOR LIVE-IN DOMES-
2 TIC EMPLOYEES.—

3 “(1) IN GENERAL.—If an employer terminates
4 the employment of a live-in domestic employee, the
5 employer shall, except as provided in paragraph (3),
6 provide the live-in domestic employee with—

7 “(A) written notice of the termination; and

8 “(B)(i) not less than 30 calendar days of
9 lodging customarily provided—

10 “(I) on the employer’s household
11 premises; or

12 “(II) on another premise of a com-
13 parable lodging condition; or

14 “(ii) severance pay in an amount equiva-
15 lent to the live-in domestic employee’s average
16 earnings for 2 weeks of employment in the pre-
17 ceding 6 months.

18 “(2) OFF-SITE LODGING OR SEVERANCE.—If an
19 employer chooses to provide a live-in domestic em-
20 ployee who is terminated as described in paragraph
21 (1) lodging described in paragraph (1)(B)(i)(II) or
22 severance pay described in paragraph (1)(B)(ii), the
23 employer shall allow the live-in domestic employee
24 not less than 24 hours to vacate the employer’s
25 household.

1 “(3) EXCEPTION.—

2 “(A) IN GENERAL.—The requirements
3 under paragraph (1) shall not be required in a
4 case involving a good faith allegation described
5 in subparagraph (B) that the live-in domestic
6 employee has engaged in abuse or neglect, or
7 caused any other harmful conduct against the
8 employer, any member of the employer’s family,
9 or any individual residing in the employer’s
10 household.

11 “(B) GOOD FAITH ALLEGATIONS.—A good
12 faith allegation under subparagraph (A) shall
13 be—

14 “(i) made in writing and provided to
15 the employee not later than 48 hours after
16 the employer has knowledge of the con-
17 duct;

18 “(ii) supported by a reasonable basis
19 and belief; and

20 “(iii) made without reckless disregard
21 or willful ignorance of the truth.

22 “(c) COMMUNICATIONS FOR LIVE-IN DOMESTIC EM-
23 PLOYEES.—

1 “(1) IN GENERAL.—If an employer requires an
2 employee to be a live-in domestic employee, the em-
3 ployer shall—

4 “(A) provide the employee with the ability,
5 and reasonable opportunity, to access telephone
6 and internet services in accordance with para-
7 graph (2); and

8 “(B) without the employer’s interference,
9 permit the employee to send and receive com-
10 munications by text message, social media, elec-
11 tronic or regular mail, and telephone calls.

12 “(2) TELEPHONE AND INTERNET SERVICES.—

13 “(A) EMPLOYER WITH SERVICES.—If an
14 employer subject to the requirement under
15 paragraph (1) has telephone or internet services
16 for the household of the employer, the employer
17 shall provide the live-in domestic employee with
18 reasonable access to such services without
19 charge to the employee.

20 “(B) EMPLOYER WITHOUT SERVICES.—If
21 an employer subject to the requirement under
22 paragraph (1) does not have telephone or inter-
23 net services for the household of the employer,
24 the employer—

1 “(i) shall provide the live-in domestic
 2 employee with a reasonable opportunity to
 3 access such services at another location;
 4 and
 5 “(ii) shall not be required to pay for
 6 such services.”.

7 (b) CONFORMING AMENDMENT.—Section 10 of the
 8 Fair Labor Standards Act of 1938 (29 U.S.C. 210) is re-
 9 pealed.

10 **SEC. 103. ENFORCEMENT.**

11 (a) PROHIBITED ACT.—Section 15(a) of the Fair
 12 Labor Standards Act of 1938 (29 U.S.C. 215(a)) is
 13 amended—

14 (1) in paragraph (5), by striking the period and
 15 inserting “; and”; and

16 (2) by adding at the end the following:

17 “(6) to violate any provision of section 8, in-
 18 cluding any regulation or order issued by the Sec-
 19 retary under that section.”.

20 (b) PENALTIES.—Section 16 of such Act (29 U.S.C.
 21 216) is amended—

22 (1) in subsection (b), by inserting “Any em-
 23 ployer who violates section 8(b) shall be liable to the
 24 employee affected in an amount of severance pay
 25 that is calculated with respect to the employee in ac-

1 cordance with section 8(b)(1)(B)(ii), and in an addi-
 2 tional equal amount as liquidated damages. Any em-
 3 ployer who violates section 8(c) shall be liable to the
 4 employee affected in an amount that is not to exceed
 5 \$2,000 for each violation.” after the third sentence;
 6 and

7 (2) in subsection (c), by adding at the end the
 8 following: “The authority and requirements de-
 9 scribed in this subsection shall also apply with re-
 10 spect to a violation of section 8, as appropriate, and
 11 the employer shall be liable for the amounts de-
 12 scribed in subsection (b) for violations of such sec-
 13 tion.”.

14 (c) INJUNCTION PROCEEDINGS.—Section 17 of the
 15 Fair Labor Standards Act of 1938 (29 U.S.C. 217) is
 16 amended by striking “(except sums” and inserting “and
 17 in the case of violations of section 15(a)(6) the restraint
 18 of any withholding of severance pay and other damages
 19 found by the court to be due to employees under this Act
 20 (except in either case sums”.

21 (d) STATUTE OF LIMITATIONS.—Section 6 of the
 22 Portal-to-Portal Act of 1947 (29 U.S.C. 255) is amended,
 23 in the matter preceding subsection (a), by inserting “(and
 24 any cause of action to enforce section 8 of such Act)” after

1 “under the Fair Labor Standards Act of 1938, as amend-
2 ed”.

3 **Subtitle B—Domestic Worker**
4 **Rights**

5 **SEC. 110. WRITTEN AGREEMENTS.**

6 (a) COVERED DOMESTIC WORKER.—In this section,
7 the term “covered domestic worker” means any domestic
8 worker to whom the domestic work hiring entity expects
9 to provide compensation for the performance of domestic
10 services by the worker for not less than 8 hours per week.

11 (b) REQUIREMENT.—Each domestic work hiring enti-
12 ty shall provide a written agreement in accordance with
13 this section to each covered domestic worker hired by the
14 entity.

15 (c) WRITTEN AGREEMENT REQUIREMENTS.—

16 (1) IN GENERAL.—A written agreement re-
17 quired under this section shall—

18 (A) be signed and dated by the covered do-
19 mestic worker and the domestic work hiring en-
20 tity;

21 (B) be written in a language easily under-
22 stood by the covered domestic worker and the
23 domestic work hiring entity, which may be in
24 multiple languages if the worker and the entity

1 do not easily understand the same language;
2 and

3 (C) include the contents described in sub-
4 section (d).

5 (2) COPY.—A copy of the written agreement re-
6 quired under this section shall be provided to the
7 covered domestic worker at the time the worker is
8 hired by the domestic work hiring entity.

9 (d) CONTENTS OF THE WRITTEN AGREEMENT.—

10 (1) IN GENERAL.—The contents described in
11 this subsection shall include each of the following:

12 (A) The full name, address, and contact
13 information of the domestic work hiring entity,
14 including any “doing business as” name of the
15 entity and the name of each individual of the
16 domestic work hiring entity who will be doing
17 business with the covered domestic worker, as
18 appropriate.

19 (B) The address for the location where the
20 covered domestic worker will be providing do-
21 mestic services for the domestic work hiring en-
22 tity.

23 (C) The responsibilities, including regu-
24 larity in performing such responsibilities, asso-
25 ciated with the domestic services provided by

1 the covered domestic worker for the domestic
2 work hiring entity.

3 (D) The rate of pay of the covered domes-
4 tic worker, including when and how the worker
5 will be paid and any additional compensation
6 required—

7 (i) in the case in which the covered
8 domestic worker is an employee, for over-
9 time hours worked under section 7 of the
10 Fair Labor Standards Act of 1938 (29
11 U.S.C. 207);

12 (ii) for duties that exceed the required
13 duties of the covered domestic worker; or

14 (iii) for a multilingual skill required of
15 the covered domestic worker.

16 (E) Required working hours of the covered
17 domestic worker, including—

18 (i) meal and rest breaks described in
19 section 115;

20 (ii) time off;

21 (iii) the work schedule of the worker
22 at the time of hire, including—

23 (I) a good faith estimate of the
24 days and hours for which the covered
25 domestic worker will be expected to

1 work for the domestic work hiring en-
2 tity each week;

3 (II) the average number of hours
4 the covered domestic worker will be
5 expected to work for the domestic
6 work hiring entity each week during a
7 typical 90-day period;

8 (III) whether the covered domes-
9 tic worker can expect to work any on-
10 call shifts, as defined in paragraph
11 (4), for the domestic work hiring enti-
12 ty; and

13 (IV) a subset of days the covered
14 domestic worker can typically expect
15 to work (or to be scheduled as off
16 from work) for the domestic work hir-
17 ing entity;

18 (iv) the reporting time pay policy de-
19 scribed in section 112(b); and

20 (v) the right to request and receive a
21 change to scheduled work hours due to
22 personal event as described in section 113.

23 (F) If applicable, any policies of the do-
24 mestic work hiring entity with respect to the

covered domestic worker for paying for or providing reimbursement for—

(i) health insurance;

(ii) transportation, meals, or lodging;

and

(iii) any other fees or costs associated with the domestic services provided by the covered domestic worker for the entity.

(G) If applicable, any policies of the domestic work hiring entity with respect to the covered domestic worker for—

(i) annual or other pay increases;

(ii) severance pay; and

(iii) providing materials or equipment related to the performance of domestic service by the covered domestic worker, including (if applicable) any cleaning supplies provided by the entity.

(H) Information about policies, procedures, and equipment related to safety and emergencies.

(I) If applicable, the right of the covered domestic worker to collect workers' compensation benefits if injured on the job.

1 (J) The policy of the domestic work hiring
 2 entity pertaining to notice of termination of the
 3 covered domestic worker by the domestic work
 4 hiring entity.

5 (K) In the case of a covered domestic
 6 worker who resides in the household of the per-
 7 son for whom the worker provides domestic
 8 services—

9 (i) the circumstances under which the
 10 domestic work hiring entity may enter the
 11 worker’s designated living space;

12 (ii) the circumstances under which the
 13 covered domestic worker in a shared living
 14 arrangement may enter the domestic work
 15 hiring entity’s designated living space; and

16 (iii) a description, in accordance with
 17 paragraph (3), of certain circumstances
 18 the domestic work hiring entity determines
 19 as cause for—

20 (I) immediate termination of the
 21 covered domestic worker; and

22 (II) removal of the covered do-
 23 mestic worker from the household of
 24 the person for whom the worker pro-

1 vides domestic services not later than
2 48 hours after the termination.

3 (L) Any additional benefits afforded to the
4 covered domestic worker by the domestic work
5 hiring entity.

6 (M) The process for the covered domestic
7 worker to raise or address grievances with re-
8 spect to, or breaches of, the written agreement.

9 (N) The process used by the domestic work
10 hiring entity to change any policy described in
11 any of the subparagraphs (A) through (M), in-
12 cluding addressing additional compensation if
13 responsibilities are added to those described in
14 subparagraph (C), after the date on which the
15 written agreement is provided to the domestic
16 worker.

17 (O) A copy of the notice of domestic work-
18 er rights document required under section
19 302(a).

20 (2) PROHIBITIONS.—A written agreement re-
21 quired under this section may not—

22 (A) contain—

23 (i) a mandatory pre-dispute arbitra-
24 tion agreement for claims made by a cov-
25 ered domestic worker against a domestic

work hiring entity regarding the legal rights of the worker; or

(ii) a non-disclosure agreement, non-compete agreement, or non-disparagement agreement, limiting the ability of the covered domestic worker to seek compensation for performing domestic services after the worker ceases to receive compensation from the domestic work hiring entity for the performance of domestic services; and

(B) be construed to waive the rights or protections of a domestic worker under Federal, State, or local law.

(3) IMMEDIATE TERMINATION AND REMOVAL.—

The description in paragraph (1)(K)(iii)—

(A) shall demonstrate a good faith effort to describe the circumstances that would result in the termination and removal described in such paragraph; and

(B) shall not be required to include a list of all conduct that would constitute cause for such immediate termination and removal.

(4) DEFINITION OF ON-CALL SHIFT.—For purposes of paragraph (1)(E)(iii)(III), the term “on-call

1 shift” means any time a domestic work hiring entity
2 expects a covered domestic worker to—

3 (A) be available to work; and

4 (B) wait to contact, or be contacted by, the
5 entity or a designee of the entity to determine
6 whether the worker shall report to work for the
7 time.

8 (e) TIMING.—

9 (1) INITIAL AGREEMENT.—A domestic work
10 hiring entity shall provide a written agreement re-
11 quired under this section—

12 (A) to each covered domestic worker hired
13 after the date of enactment of this Act, prior to
14 the first day the worker performs domestic
15 services for the entity; and

16 (B) to each covered domestic worker hired
17 prior to the date of enactment of this Act, 90
18 days after such date of enactment.

19 (2) SUBSEQUENT AGREEMENTS.—Not later
20 than 30 calendar days after a domestic work hiring
21 entity makes a change to a written agreement pro-
22 vided to a covered domestic worker under this sec-
23 tion, the domestic work hiring shall provide the do-
24 mestic worker with an updated agreement in accord-
25 ance with this section.

1 (f) DOMESTIC WORKER CONSENT.—A covered do-
 2 mestic worker that receives a written agreement under this
 3 section shall have not less than 5 calendar days to review
 4 and agree or suggest changes to the agreement.

5 (g) RECORDS.—A domestic work hiring entity that
 6 is required to provide a written agreement under this sec-
 7 tion to a covered domestic worker shall retain such agree-
 8 ment for a period of not less than 3 years from the date
 9 on which the covered domestic worker is no longer working
 10 for the entity.

11 (h) MODEL WRITTEN AGREEMENTS.—

12 (1) IN GENERAL.—Not later than 6 months
 13 after the date of enactment of this Act, the Sec-
 14 retary shall establish and make available templates
 15 for model written agreements under this section.

16 (2) REQUIREMENTS.—A model written agree-
 17 ment required under paragraph (1) shall—

18 (A) be available in multiple languages com-
 19 monly understood by domestic workers, includ-
 20 ing all languages in which the Secretary, acting
 21 through the Administrator of the Wage and
 22 Hour Division, translates the basic information
 23 fact sheet published by the Administrator; and

24 (B) not include any agreement described in
 25 subsection (d)(2)(A).

1 **SEC. 111. EARNED SICK DAYS.**

2 (a) DEFINITIONS.—In this section:

3 (1) DOMESTIC VIOLENCE.—The term “domestic
4 violence” has the meaning given the term in section
5 40002(a) of the Violence Against Women Act of
6 1994 (34 U.S.C. 12291(a)), except that the ref-
7 erence in such section to the term “jurisdiction re-
8 ceiving grant monies” shall be deemed to mean the
9 jurisdiction in which the victim lives or the jurisdic-
10 tion in which the domestic work hiring entity in-
11 volved is located. Such term also includes dating vio-
12 lence, as that term is defined in such section.

13 (2) DOMESTIC WORKER.—The term “domestic
14 worker” means a domestic worker, as defined in sec-
15 tion 3(b), other than an individual providing assist-
16 ance through a shared living arrangement.

17 (3) DOMESTIC WORK HIRING ENTITY.—The
18 term “domestic work hiring entity”—

19 (A) means such a hiring entity, as defined
20 in section 3(b), except that for purposes of this
21 subparagraph, a reference in that section to a
22 domestic worker shall be considered a domestic
23 worker as defined in paragraph (2); and

24 (B) includes any predecessor of a hiring
25 entity described in subparagraph (A).

1 (4) EMPLOYMENT.—The term “employment”
2 includes service as a domestic worker.

3 (5) EMPLOYMENT BENEFITS.—The term “em-
4 ployment benefits” means all benefits provided or
5 made available to domestic workers by a domestic
6 work hiring entity, including group life insurance,
7 health insurance, disability insurance, sick leave, an-
8 nual leave, educational benefits, and pensions, re-
9 gardless of whether such benefits are provided by a
10 practice or written policy of a domestic work hiring
11 entity or through an “employee benefit plan”, as de-
12 fined in section 3(3) of the Employee Retirement In-
13 come Security Act of 1974 (29 U.S.C. 1002(3)).

14 (6) HEALTH CARE PROVIDER.—The term
15 “health care provider” means a provider who—

16 (A) is described in section 825.125 of title
17 29, Code of Federal Regulations; and

18 (B) is not employed by a domestic work
19 hiring entity for whom the provider issues cer-
20 tification under this section.

21 (7) PAID SICK TIME.—The term “paid sick
22 time” means an increment of compensated leave that
23 can be earned by a domestic worker for use during
24 an absence from employment for any of the reasons

1 described in subparagraphs (A) through (D) of sub-
2 section (b)(2).

3 (8) SEXUAL ASSAULT.—The term “sexual as-
4 sault” has the meaning given the term in section
5 40002(a) of the Violence Against Women Act of
6 1994 (34 U.S.C. 12291(a)).

7 (9) STALKING.—The term “stalking” has the
8 meaning given the term in section 40002(a) of the
9 Violence Against Women Act of 1994 (34 U.S.C.
10 12291(a)).

11 (10) VICTIM SERVICES ORGANIZATION.—The
12 term “victim services organization” means a non-
13 profit, nongovernmental organization that provides
14 assistance to victims of domestic violence, sexual as-
15 sault, or stalking or advocates for such victims, in-
16 cluding a rape crisis center, an organization carrying
17 out a domestic violence, sexual assault, or stalking
18 prevention or treatment program, an organization
19 operating a shelter or providing counseling services,
20 or a legal services organization or other organization
21 providing assistance through the legal process.

22 (b) EARNED PAID SICK TIME.—

23 (1) EARNING OF TIME.—

24 (A) IN GENERAL.—A domestic work hiring
25 entity shall provide each domestic worker em-

1 employed by the hiring entity not less than 1 hour
2 of earned paid sick time for every 30 hours
3 worked, to be used as described in paragraph
4 (2). A domestic work hiring entity shall not be
5 required to permit a domestic worker to earn,
6 under this subsection, more than 56 hours of
7 paid sick time in a year, unless the hiring entity
8 chooses to set a higher limit.

9 (B) DATES FOR BEGINNING TO EARN PAID
10 SICK TIME AND USE.—Domestic workers shall
11 begin to earn paid sick time under this sub-
12 section at the commencement of their employ-
13 ment. A domestic worker shall be entitled to
14 use the earned paid sick time beginning on the
15 60th calendar day following commencement of
16 the domestic worker’s employment. After that
17 60th calendar day, the domestic worker may
18 use the paid sick time as the time is earned. A
19 domestic work hiring entity may, at the discre-
20 tion of the hiring entity, loan paid sick time to
21 a domestic worker for use by such domestic
22 worker in advance of the domestic worker earn-
23 ing such sick time as provided in this para-
24 graph and may permit use before the 60th day
25 of employment.

1 (C) CARRYOVER.—

2 (i) IN GENERAL.—Except as provided
3 in clause (ii), paid sick time earned under
4 this subsection shall carry over from one
5 year to the next.

6 (ii) CONSTRUCTION.—This section
7 shall not be construed to require a domes-
8 tic work hiring entity to permit a domestic
9 worker to earn more than 56 hours of
10 earned paid sick time at a given time.

11 (D) HIRING ENTITIES WITH EXISTING
12 POLICIES.—Any domestic work hiring entity
13 with a paid leave policy who makes available an
14 amount of paid leave that is sufficient to meet
15 the requirements of this subsection and that
16 may be used for the same purposes and under
17 the same conditions as the purposes and condi-
18 tions outlined in paragraph (2) shall not be re-
19 quired to permit a domestic worker to earn ad-
20 ditional paid sick time under this subsection.

21 (E) CONSTRUCTION.—Nothing in this sub-
22 section shall be construed as requiring financial
23 or other reimbursement to a domestic worker
24 from a domestic work hiring entity upon the do-
25 mestic worker's termination, resignation, retire-

1 ment, or other separation from employment for
2 earned paid sick time that has not been used.

3 (F) REINSTATEMENT.—If a domestic
4 worker is separated from employment with a
5 domestic work hiring entity and is rehired,
6 within 12 months after that separation, by the
7 same hiring entity, the hiring entity shall rein-
8 state the domestic worker’s previously earned
9 paid sick time. The domestic worker shall be
10 entitled to use the earned paid sick time and
11 earn additional paid sick time at the re-
12 commencement of employment with the domes-
13 tic work hiring entity.

14 (G) PROHIBITION.—A domestic work hir-
15 ing entity may not require, as a condition of
16 providing paid sick time under this subsection,
17 that the domestic worker involved search for or
18 find a replacement to cover the hours during
19 which the domestic worker is using paid sick
20 time.

21 (2) USES.—Paid sick time earned under this
22 subsection may be used by a domestic worker for
23 any of the following:

1 (A) An absence resulting from a physical
2 or mental illness, injury, or medical condition of
3 the domestic worker.

4 (B) An absence resulting from obtaining
5 professional medical diagnosis or care, or pre-
6 ventive medical care, for the domestic worker.

7 (C) An absence for the purpose of caring
8 for a child, a parent, a spouse, a domestic part-
9 ner, or any other individual related by blood or
10 affinity whose close association with the domes-
11 tic worker is the equivalent of a family relation-
12 ship, who—

13 (i) has any of the conditions or needs
14 for diagnosis or care described in subpara-
15 graph (A) or (B);

16 (ii) in the case of care for someone
17 who is a child, is the subject of a school
18 meeting, or a meeting at a place where the
19 child is receiving care necessitated by the
20 child's health condition or disability, that
21 the domestic worker is required to attend;
22 or

23 (iii) is otherwise in need of care.

1 (D) An absence resulting from domestic vi-
2 olence, sexual assault, or stalking, if the time is
3 to—

4 (i) seek medical attention for the do-
5 mestic worker or a related person de-
6 scribed in subparagraph (C), to recover
7 from physical or psychological injury or
8 disability caused by domestic violence, sex-
9 ual assault, or stalking;

10 (ii) obtain or assist a related person
11 described in subparagraph (C) in obtaining
12 services from a victim services organiza-
13 tion;

14 (iii) obtain or assist a related person
15 described in subparagraph (C) in obtaining
16 psychological or other counseling;

17 (iv) seek or assist a related person in
18 seeking relocation; or

19 (v) take or assist a related person in
20 taking legal action, including preparing for
21 or participating in any civil or criminal
22 legal proceeding related to or resulting
23 from domestic violence, sexual assault, or
24 stalking.

1 (3) SCHEDULING.—A domestic worker shall
 2 make a reasonable effort to schedule a period of paid
 3 sick time under this subsection in a manner that
 4 does not unduly disrupt the operations of the domes-
 5 tic work hiring entity.

6 (4) PROCEDURES.—

7 (A) IN GENERAL.—Paid sick time shall be
 8 provided upon the oral or written request of a
 9 domestic worker. Such request shall—

10 (i) include the expected duration of
 11 the period of such time;

12 (ii) in a case in which the need for
 13 such period of time is foreseeable at least
 14 7 days in advance of such period, be pro-
 15 vided at least 7 days in advance of such
 16 period; and

17 (iii) otherwise, be provided as soon as
 18 practicable after the domestic worker is
 19 aware of the need for such period.

20 (B) CERTIFICATION IN GENERAL.—

21 (i) PROVISION.—

22 (I) IN GENERAL.—Subject to
 23 clause (iv), a domestic work hiring en-
 24 tity may require that a request for
 25 paid sick time under this subsection

1 for a purpose described in subpara-
2 graph (A), (B), or (C) of paragraph
3 (2) be supported by a certification
4 issued by the health care provider of
5 the eligible domestic worker or of an
6 individual described in paragraph
7 (2)(C), as appropriate, if the period of
8 such time covers more than 3 con-
9 secutive workdays.

10 (II) TIMELINESS.—The domestic
11 worker shall provide a copy of such
12 certification to the domestic work hir-
13 ing entity in a timely manner, not
14 later than 30 days after the first day
15 of the period of time. The domestic
16 work hiring entity shall not delay the
17 commencement of the period of time
18 on the basis that the hiring entity has
19 not yet received the certification.

20 (ii) SUFFICIENT CERTIFICATION.—A
21 certification provided under clause (i) shall
22 be sufficient if it states—

23 (I) the date on which the period
24 of time will be needed;

1 (II) the probable duration of the
2 period of time;

3 (III) the appropriate medical
4 facts within the knowledge of the
5 health care provider regarding the
6 condition involved, subject to clause
7 (iii);

8 (IV) for purposes of paid sick
9 time under paragraph (2)(A), a state-
10 ment that absence from work is medi-
11 cally necessary;

12 (V) for purposes of such time
13 under paragraph (2)(B), the dates on
14 which testing for a medical diagnosis
15 or care is expected to be given and the
16 duration of such testing or care; and

17 (VI) for purposes of such time
18 under paragraph (2)(C), in the case of
19 time to care for someone who is not a
20 child, a statement that care is needed
21 for an individual described in such
22 paragraph, and an estimate of the
23 amount of time that such care is
24 needed for such individual.

1 (iii) LIMITATION.—In issuing a cer-
 2 tification under clause (i), a health care
 3 provider shall make reasonable efforts to
 4 limit the medical facts described in clause
 5 (ii)(III) that are disclosed in the certifi-
 6 cation to the minimum necessary to estab-
 7 lish a need for the domestic worker to uti-
 8 lize paid sick time.

9 (iv) REGULATIONS.—The Secretary
 10 shall prescribe regulations that shall speci-
 11 fy the manner in which a domestic worker
 12 who does not have health insurance shall
 13 provide a certification for purposes of this
 14 subparagraph.

15 (v) CONFIDENTIALITY AND NON-
 16 DISCLOSURE.—

17 (I) PROTECTED HEALTH INFOR-
 18 MATION.—Nothing in this section
 19 shall be construed to require a health
 20 care provider to disclose information
 21 in violation of section 1177 of the So-
 22 cial Security Act (42 U.S.C. 1320d–6)
 23 or the regulations promulgated pursu-
 24 ant to section 264(c) of the Health
 25 Insurance Portability and Account-

1 ability Act of 1996 (42 U.S.C.
2 1320d–2 note).

3 (II) HEALTH INFORMATION
4 RECORDS.—If a domestic work hiring
5 entity possesses health information
6 about a domestic worker or a related
7 person described in paragraph (2)(C),
8 such information shall—

9 (aa) be maintained on a sep-
10 arate form and in a separate file
11 from other personnel informa-
12 tion;

13 (bb) be treated as a con-
14 fidential medical record; and

15 (cc) not be disclosed except
16 to the affected domestic worker
17 or with the permission of the af-
18 fected domestic worker.

19 (C) CERTIFICATION IN THE CASE OF DO-
20 MESTIC VIOLENCE, SEXUAL ASSAULT, OR
21 STALKING.—

22 (i) IN GENERAL.—A domestic work
23 hiring entity may require that a request
24 for paid sick time under this subsection for
25 a purpose described in paragraph (2)(D)

1 be supported by any one of the following
2 forms of documentation, but the domestic
3 work hiring entity may not specify the par-
4 ticular form of documentation to be pro-
5 vided:

6 (I) A police report indicating that
7 the domestic worker, or a related per-
8 son described in paragraph (2)(D),
9 was a victim of domestic violence, sex-
10 ual assault, or stalking.

11 (II) A court order protecting or
12 separating the domestic worker or a
13 related person described in paragraph
14 (2)(D) from the perpetrator of an act
15 of domestic violence, sexual assault, or
16 stalking, or other evidence from the
17 court or prosecuting attorney that the
18 domestic worker or a related person
19 described in paragraph (2)(D) has ap-
20 peared in court or is scheduled to ap-
21 pear in court in a proceeding related
22 to domestic violence, sexual assault, or
23 stalking.

24 (III) Other documentation signed
25 by an individual (who may be a volun-

1 teer) working for a victim services or-
2 ganization, an attorney, a police offi-
3 cer, a medical professional, a social
4 worker, an antiviolence counselor, or a
5 member of the clergy, affirming that
6 the domestic worker or a related per-
7 son described in paragraph (2)(D) is
8 a victim of domestic violence, sexual
9 assault, or stalking.

10 (ii) REQUIREMENTS.—The require-
11 ments of subparagraph (B) shall apply to
12 certifications under this paragraph, except
13 that—

14 (I) subclauses (III) through (VI)
15 of clause (ii) and clause (iii) of such
16 subparagraph shall not apply;

17 (II) the certification shall state
18 the reason that the leave is required
19 with the facts to be disclosed limited
20 to the minimum necessary to establish
21 a need for the domestic worker to be
22 absent from work, and the domestic
23 worker shall not be required to ex-
24 plain the details of the domestic vio-

1 lence, sexual assault, or stalking in-
 2 volved; and

3 (III) with respect to confiden-
 4 tiality under clause (v) of such sub-
 5 paragraph, any information provided
 6 to the domestic work hiring entity
 7 under this subparagraph shall be con-
 8 fidential, except to the extent that any
 9 disclosure of such information is—

10 (aa) requested or consented
 11 to in writing by the domestic
 12 worker; or

13 (bb) otherwise required by
 14 applicable Federal or State law.

15 (c) CONSTRUCTION AND APPLICATION.—

16 (1) EFFECT ON OTHER LAWS.—

17 (A) FEDERAL AND STATE ANTIDISCRIMI-
 18 NATION LAWS.—Nothing in this section shall be
 19 construed to modify or affect any Federal or
 20 State law prohibiting discrimination on the
 21 basis of race, religion, color, national origin, sex
 22 (including sexual orientation and gender iden-
 23 tity), age, disability, marital status, familial sta-
 24 tus, or any other protected status.

1 (B) STATE AND LOCAL LAWS.—Nothing in
2 this section shall be construed to supersede (in-
3 cluding preempting) any provision of any State
4 or local law that provides greater paid sick time
5 or leave rights (including greater amounts of
6 paid sick time or leave, or greater coverage of
7 those eligible for paid sick time or leave) than
8 the rights established under this section.

9 (2) EFFECT ON EXISTING EMPLOYMENT BENE-
10 FITS.—

11 (A) MORE PROTECTIVE.—Nothing in this
12 section shall be construed to diminish the obli-
13 gation of a domestic work hiring entity to com-
14 ply with any contract, any collective bargaining
15 agreement, or any employment benefit program
16 or plan that provides greater paid sick leave or
17 other leave rights to domestic workers than the
18 rights established under this section.

19 (B) LESS PROTECTIVE.—The rights estab-
20 lished for domestic workers under this section
21 shall not be diminished by any contract, any
22 collective bargaining agreement, or any employ-
23 ment benefit program or plan.

1 (d) EFFECTIVE DATE.—This section, other than sub-
 2 section (b)(4)(B)(4), takes effect 2 years after the date
 3 of enactment of this Act.

4 **SEC. 112. FAIR SCHEDULING PRACTICES.**

5 (a) DEFINITION OF SCHEDULED WORK HOURS.—In
 6 this section, the term “scheduled work hours” means the
 7 hours on a specified day during which a domestic worker
 8 is required by a domestic work hiring entity through a
 9 schedule to perform domestic services for the entity and
 10 for which the worker will receive compensation.

11 (b) REPORTING TIME PAY REQUIREMENT.—Subject
 12 to paragraphs (1) and (2) of subsection (d), a domestic
 13 work hiring entity shall pay a domestic worker—

14 (1) the regular rate of pay of the domestic
 15 worker for any scheduled work hours the domestic
 16 worker does not work due to the domestic work hir-
 17 ing entity canceling or reducing the scheduled work
 18 hours of the domestic worker after the domestic
 19 worker arrives to work for the scheduled work hours;
 20 or

21 (2) at a rate of $\frac{1}{2}$ of the regular rate of pay
 22 of the domestic worker for any scheduled work hours
 23 the domestic worker does not work due to the do-
 24 mestic work hiring entity canceling or reducing the
 25 scheduled work hours of the domestic worker at a

1 time that is less than 72 hours prior to the com-
 2 mencement of such scheduled work hours, unless the
 3 domestic work hiring entity—

4 (A) is an individual with a disability who
 5 relies on self-directed care; and

6 (B) requests the domestic worker to con-
 7 sent to work alternative, equivalent scheduled
 8 work hours within a 7-day period and the work-
 9 er consents to work such alternative, equivalent
 10 hours.

11 (c) RIGHT TO DECLINE SCHEDULE CHANGES.—

12 (1) IN GENERAL.—Subject to subsection (d)(2),
 13 in the case of a covered domestic worker (as defined
 14 in section 110(a)), if a domestic work hiring entity
 15 wishes to include work hours in the scheduled work
 16 hours of such worker that are identified as hours in
 17 which the worker can typically expect to be sched-
 18 uled as off from work in accordance with the written
 19 agreement under section 110(d)(1)(E)(iii)(IV), the
 20 hiring entity shall obtain the written consent of the
 21 worker to work such hours prior to the commence-
 22 ment of such work.

23 (2) CONSENT.—The consent required under
 24 paragraph (1) may be transmitted electronically to
 25 the domestic work hiring entity.

1 (d) EXCEPTIONS.—

2 (1) IN GENERAL.—Notwithstanding any provi-
3 sion in this section, the requirements under sub-
4 section (b) shall not apply—

5 (A) during any period in which the oper-
6 ations of the domestic work hiring entity cannot
7 begin or continue due to—

8 (i) a fire, flood, or other natural dis-
9 aster;

10 (ii) a major disaster or emergency de-
11 clared by the President under section 401
12 or 501, respectively, of the Robert T. Staf-
13 ford Disaster Relief and Emergency Assist-
14 ance Act (42 U.S.C. 5170, 5191) or a
15 state of emergency declared by a Governor
16 of a State or chief official of a unit of local
17 government; or

18 (iii) a severe weather condition that
19 poses a threat to worker safety; or

20 (B) in a case in which—

21 (i) the domestic worker voluntarily re-
22 quested in writing a change to the sched-
23 uled work hours of the worker; or

24 (ii) the domestic work hiring entity
25 changes the scheduled work hours of a do-

1 mestic worker due to a medical emergency
 2 requiring emergency medical treatment or
 3 hospitalization.

4 (2) SHARED LIVING ARRANGEMENT.—The re-
 5 quirements under this section shall not apply to a
 6 shared living arrangement.

7 (e) EFFECTIVE DATE.—The requirements under this
 8 section shall take effect on the date that is 2 years after
 9 the date of enactment of this Act.

10 **SEC. 113. RIGHT TO REQUEST AND RECEIVE TEMPORARY**
 11 **CHANGES TO SCHEDULED WORK HOURS DUE**
 12 **TO PERSONAL EVENTS.**

13 (a) DEFINITIONS.—In this section:

14 (1) COVERED DOMESTIC WORKER.—The term
 15 “covered domestic worker” has the meaning given
 16 the term in section 110(a).

17 (2) DOMESTIC VIOLENCE.—The term “domestic
 18 violence” has the meaning given the term in section
 19 111(a).

20 (3) PERSONAL EVENT.—The term “personal
 21 event”, with respect to a covered domestic worker,
 22 means—

23 (A) an event resulting in the need of the
 24 covered domestic worker to serve as a caregiver
 25 for a child or other care recipient;

(B) an event resulting from the obligation of a covered domestic worker to attend a legal proceeding or hearing for subsistence benefits, including benefits under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) or under a State program for temporary assistance for needy families established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), to which the worker, or a family member or care recipient of the worker, is a party or witness; or

(C) any circumstance that would constitute a basis for permissible use of safe time, or family, medical, or sick leave, as determined based on the policy of the domestic work hiring entity.

(4) SAFE TIME.—The term “safe time”, with respect to a covered domestic worker, means an absence from work of the worker resulting from domestic violence, sexual assault, or stalking, if the absence is to—

(A) seek medical attention for the worker or a child, parent, spouse, or domestic partner of the worker, or an individual related to the worker in order to recover from physical or psy-

1 chological injury or disability caused by domes-
2 tic violence, sexual assault, or stalking;

3 (B) obtain, or assist a child, parent,
4 spouse, domestic partner, or other individual
5 described in subparagraph (A) in obtaining,
6 services from a victim services organization;

7 (C) obtain, or assist a child, parent,
8 spouse, domestic partner, or other individual
9 described in subparagraph (A) in obtaining,
10 psychological or other counseling;

11 (D) seek relocation for the worker or a
12 child, parent, spouse, domestic partner, or other
13 individual described in subparagraph (A); or

14 (E) take legal action, including preparing
15 for or participating in any civil or criminal legal
16 proceeding related to or resulting from domestic
17 violence, sexual assault, or stalking, of the
18 worker or a child, parent, spouse, domestic
19 partner, or other individual described in sub-
20 paragraph (A).

21 (5) SCHEDULED WORK HOURS.—The term
22 “scheduled work hours” has the meaning given such
23 term in section 112(a), except that references in
24 such section to the term “domestic worker” shall be

1 deemed to be a reference to the term “covered do-
2 mestic worker”.

3 (6) SEXUAL ASSAULT; STALKING.—The terms
4 “sexual assault” and “stalking” have the meanings
5 given such terms in section 111(a).

6 (7) TEMPORARY CHANGE.—The term “tem-
7 porary change”, with respect to a change in the
8 scheduled work hours of a covered domestic worker,
9 means a limited alteration in the hours or dates
10 that, or locations where, a worker is scheduled to
11 work, including through using paid time off, trading
12 or shifting work hours, or using short-term unpaid
13 leave.

14 (b) REQUEST.—

15 (1) IN GENERAL.—A domestic work hiring enti-
16 ty shall grant a request of a covered domestic work-
17 er for a temporary change to the scheduled work
18 hours of the worker due to a personal event in ac-
19 cordance with this subsection.

20 (2) AMOUNT OF REQUESTS.—For each calendar
21 year, a domestic work hiring entity shall be required,
22 upon request of a covered domestic worker under
23 paragraph (1), to grant the covered domestic worker
24 not less than—

1 (A) 2 requests under this paragraph for a
 2 temporary change to the scheduled work hours
 3 of the worker due to a personal event covering
 4 not more than 1 business day per request; or

5 (B) 1 request under this paragraph for a
 6 temporary change to the scheduled work hours
 7 of the worker due to a personal event covering
 8 not more than 2 business days per request.

9 (3) NOTIFICATION OF REQUEST.—

10 (A) IN GENERAL.—A covered domestic
 11 worker who requests a temporary change to the
 12 scheduled work hours of the worker due to a
 13 personal event under this subsection shall—

14 (i) notify the domestic work hiring en-
 15 tity, or direct supervisor, of such worker,
 16 as soon as the worker becomes aware of
 17 the need for the temporary change and in-
 18 form the entity or supervisor that the
 19 change is due to a personal event;

20 (ii) make a proposal for the temporary
 21 change to the scheduled work hours of the
 22 worker, unless the worker seeks leave with-
 23 out pay; and

1 (iii) not be required to initially submit
2 the request in writing, subject to subpara-
3 graph (B).

4 (B) WRITTEN RECORD.—

5 (i) IN GENERAL.—A covered domestic
6 worker that requests a temporary change
7 to the scheduled work hours of the worker
8 under this subsection and does not initially
9 submit a request for such change in writ-
10 ing shall, as soon as practicable and not
11 later than the second business day after
12 the worker returns to work following the
13 conclusion of the temporary change to the
14 scheduled work hours, submit a written
15 record of such request indicating—

16 (I) the date for which the change
17 was requested; and

18 (II) that the request was made
19 due to a personal event.

20 (ii) ELECTRONIC MEANS.—A domestic
21 work hiring entity may require that a
22 record under this subparagraph be sub-
23 mitted in electronic form if workers of the
24 domestic work hiring entity commonly use

1 an electronic form to request and manage
 2 leave and schedule changes.

3 (iii) WAIVER.—If a covered domestic
 4 worker fails to submit the record required
 5 under this subparagraph within the period
 6 of time required under clause (i), the do-
 7 mestic work hiring entity shall not be re-
 8 quired to respond in writing under sub-
 9 section (c)(2).

10 (c) RESPONSE.—

11 (1) IN GENERAL.—A domestic work hiring enti-
 12 ty who receives a request under subsection (b) for a
 13 temporary change to the scheduled work hours of a
 14 covered domestic worker due to a personal event
 15 shall respond as soon as practicable. Subject to
 16 paragraph (2), such entity shall not be required to
 17 initially respond to such request in writing.

18 (2) WRITTEN RESPONSE.—Subject to sub-
 19 section (b)(3)(B)(iii), a domestic work hiring entity
 20 that receives a request under subsection (b) shall, as
 21 soon as practicable, and not later than 14 days after
 22 the covered domestic worker submits the request
 23 under this subsection in writing (or submits a writ-
 24 ten record under subsection (b)(3)(B)), provide to
 25 the covered domestic worker a written response,

1 which may be in electronic form if such form is eas-
2 ily accessible to the worker. Such written response
3 shall include—

4 (A) an indication of whether the domestic
5 work hiring entity will agree to the temporary
6 change to the scheduled work hours in the man-
7 ner requested by the worker, or will provide the
8 temporary change to the scheduled work hours
9 as leave without pay, which shall not constitute
10 a denial of the request;

11 (B) if the domestic work hiring entity de-
12 nies the request for a temporary change to the
13 scheduled work hours, an explanation for the
14 denial; and

15 (C) the number of requests, and business
16 days, under subsection (b)(2) the worker has
17 left in the calendar year for a subsequent tem-
18 porary change under this subsection after tak-
19 ing into account the domestic work hiring enti-
20 ty's decision contained in the written response.

21 (3) DENIAL.—Notwithstanding any other provi-
22 sion in this section, a domestic work hiring entity
23 may deny a request for a temporary change to the
24 scheduled work hours of a covered domestic worker
25 due to a personal event under this subsection only—

1 (A) if the covered domestic worker has al-
2 ready exhausted the allotted requests in the cal-
3 endar year under subsection (b)(2);

4 (B) during any period in which the oper-
5 ations of the domestic work hiring entity cannot
6 begin or continue due to—

7 (i) a fire, flood, or other natural dis-
8 aster;

9 (ii) a major disaster or emergency de-
10 clared by the President under section 401
11 or 501, respectively, of the Robert T. Staf-
12 ford Disaster Relief and Emergency Assist-
13 ance Act (42 U.S.C. 5170, 5191) or a
14 state of emergency declared by a Governor
15 of a State or chief official of a unit of local
16 government; or

17 (iii) a severe weather condition that
18 poses a threat to worker safety; or

19 (C) in a case in which the domestic work
20 hiring entity has a medical emergency requiring
21 emergency medical treatment or hospitalization.

22 (d) EFFECTIVE DATE.—This section shall take effect
23 on the date that is 2 years after the date of enactment
24 of this Act.

1 **SEC. 114. PRIVACY.**

2 (a) IN GENERAL.—A domestic work hiring entity
3 shall not—

4 (1) monitor or record a domestic worker while
5 such domestic worker is—

6 (A) using restroom or bathing facilities;

7 (B) in the private living quarters of the
8 worker; or

9 (C) engaging in any activities associated
10 with the dressing, undressing, or changing of
11 clothes of the worker;

12 (2) subject to subsection (b), restrict or inter-
13 fere with, or monitor, the private communications of
14 such domestic worker; or

15 (3) take possession of any documents or other
16 personal effects of such domestic worker.

17 (b) PRIVATE COMMUNICATIONS.—A domestic work
18 hiring entity may—

19 (1) restrict, interfere with, or monitor the pri-
20 vate communications of a domestic worker if the do-
21 mestic work hiring entity has a reasonable belief
22 that such communications significantly interfere
23 with the domestic worker's performance of expected
24 duties; and

1 (2) establish reasonable restrictions on the pri-
2 vate communications of a domestic worker while
3 such worker is performing work for the hiring entity.

4 (c) RELATION TO OTHER LAWS.—This section shall
5 not preclude liability under any other law.

6 (d) DEFINITION OF PRIVATE COMMUNICATIONS.—In
7 this section, the term “private communications” means
8 any communication through telephone or internet services,
9 including sending and receiving communications by text
10 message, social media, electronic mail, and telephone.

11 **SEC. 115. BREAKS FOR MEALS AND REST.**

12 (a) MEAL BREAKS.—

13 (1) IN GENERAL.—Except as provided in sub-
14 section (c), a domestic work hiring entity shall not
15 require a domestic worker to work more than 5
16 hours for such hiring entity without an uninter-
17 rupted meal break of not less than 30 minutes.

18 (2) RATE OF PAY.—A domestic work hiring en-
19 tity shall pay a domestic worker for a meal break
20 under paragraph (1) at the regular rate of pay of
21 the domestic worker unless the domestic worker is
22 relieved of all duty for not less than 30 minutes dur-
23 ing the meal break and the domestic worker is per-
24 mitted to leave the work site during such break.

1 (3) PAID MEAL BREAK.—Except as provided in
2 subsection (c), for any paid meal break required
3 under paragraph (2), a domestic work hiring enti-
4 ty—

5 (A) shall provide a reasonable opportunity
6 for a domestic worker to take such break for a
7 period of uninterrupted time that is not less
8 than 30 minutes; and

9 (B) shall not impede or discourage a do-
10 mestic worker from taking such meal break.

11 (b) REST BREAKS.—

12 (1) IN GENERAL.—Except as provided in sub-
13 section (c), for every 4 hours of work that a domes-
14 tic worker is scheduled to perform for a domestic
15 work hiring entity, the entity shall allow the worker
16 a rest break of not less than 10 uninterrupted min-
17 utes in which the domestic worker is relieved of all
18 duties related to providing domestic services to the
19 domestic work hiring entity. The domestic work hir-
20 ing entity shall allow such rest break to occur during
21 the first 3 hours of consecutive work performed by
22 the worker for the entity.

23 (2) RATE OF PAY.—A domestic work hiring en-
24 tity shall pay a domestic worker for the times spent
25 by the worker for a rest break under paragraph (1)

1 at the regular rate of pay of the worker. The hiring
2 entity shall not impede or discourage a domestic
3 worker from taking such break.

4 (c) EXCEPTIONS.—

5 (1) IN GENERAL.—Subject to paragraph (2), a
6 domestic worker may not have the right to a meal
7 break under subsection (a), or a rest break under
8 subsection (b), in a case in which the safety of an
9 individual under the care of the domestic worker
10 prevents the domestic worker from taking such
11 break.

12 (2) ON-DUTY BREAKS.—

13 (A) DEFINITION OF ON-DUTY.—In this
14 subsection, the term “on-duty”, with respect to
15 a meal break under subsection (a) or a rest
16 break under subsection (b), means such a break
17 in which the domestic worker—

18 (i) is not relieved of all duties of the
19 worker for the domestic work hiring entity;
20 and

21 (ii) may, to the extent possible given
22 the duties of the domestic worker for the
23 domestic work hiring entity, engage in per-
24 sonal activities, such as resting, eating a
25 meal, drinking a beverage, making a per-

sonal telephone call, or making other personal choices.

(B) AUTHORIZATION.—

(i) IN GENERAL.—In a case described in paragraph (1), the domestic worker may still take an on-duty meal or rest break under subsection (a) or (b), respectively, if—

(I) the nature of the work prevents a domestic worker from being relieved of all duties required of the domestic worker for the domestic work hiring entity; and

(II) the domestic worker and the domestic work hiring entity agree to such an on-duty meal or rest break in a written agreement described in clause (ii).

(ii) WRITTEN AGREEMENT.—The written agreement under clause (i)(II) shall include a provision allowing the domestic worker to, in writing, revoke the agreement at any time.

(C) RATE OF PAY.—A domestic work hiring entity shall compensate a domestic worker

1 for the time of an on-duty meal or rest break
 2 under this paragraph at the regular rate of pay
 3 of the worker for the entity.

4 (3) SHARED LIVING ARRANGEMENT.—The re-
 5 quirements under this section shall not apply in the
 6 case of a shared living arrangement.

7 **SEC. 116. UNFAIR WAGE DEDUCTIONS FOR CASH SHORT-**
 8 **AGES, BREAKAGES, LOSS, OR MODES OF COM-**
 9 **MUNICATION.**

10 (a) IN GENERAL.—

11 (1) REQUIREMENT.—Except as provided in
 12 paragraph (2), no domestic work hiring entity shall
 13 make any deduction from the wage of or require any
 14 reimbursement from a domestic worker for—

15 (A) any cash shortage of the domestic
 16 work hiring entity; or

17 (B) breakage or loss of the entity's equip-
 18 ment or other belongings.

19 (2) EXCEPTION.—A domestic work hiring entity
 20 may deduct from the wage of, or require reimburse-
 21 ment from, a domestic worker described in para-
 22 graph (1) if the entity can show that a shortage,
 23 breakage, or loss described in paragraph (1) was
 24 caused by a dishonest or willful act of the domestic
 25 worker.

1 (b) COMMUNICATIONS.—No domestic work hiring en-
 2 tity shall make any deduction from the wage of, or other-
 3 wise penalize, a domestic worker for communicating with
 4 a consumer of domestic services directly as opposed to
 5 communicating through an application or other messaging
 6 service provided by an on-demand platform or otherwise
 7 required by the domestic work hiring entity.

8 (c) VIOLATION.—Any deduction or reimbursement in
 9 violation of subsection (a)(1) or (b) shall be deemed an
 10 unpaid wage for purposes of enforcement under section
 11 118, and the domestic worker shall have the right to re-
 12 cover such wage in accordance with such section.

13 **SEC. 117. PROHIBITED ACTS.**

14 (a) INTERFERENCE WITH RIGHTS.—It shall be un-
 15 lawful for any person to interfere with, restrain, or deny
 16 the exercise of, or the attempt to exercise, any right pro-
 17 vided under this subtitle, including—

18 (1) discharging or in any manner discrimi-
 19 nating against (including retaliating against) any
 20 domestic worker for exercising, or attempting to ex-
 21 ercise, any right provided under this subtitle; or

22 (2) discriminating against any domestic worker
 23 by using the exercise of a right provided under this
 24 subtitle as a negative factor in an employment ac-
 25 tion, such as an action involving hiring, promotion,

1 or changing work hours or number of shifts, or a
2 disciplinary action.

3 (b) RETALIATION PROTECTION.—It shall be unlawful
4 for any domestic work hiring entity to discharge, demote,
5 suspend, reduce the work hours of, take any other adverse
6 employment action against, threaten to take an adverse
7 employment action against, or in any other manner dis-
8 criminate against a domestic worker with respect to com-
9 pensation, terms, conditions, or privileges of employment
10 because the domestic worker, whether at the initiative of
11 the domestic worker or in the ordinary course of the do-
12 mestic worker’s duties (or any person acting pursuant to
13 the request of the domestic worker) for—

14 (1) opposing any practice made unlawful under
15 this subtitle;

16 (2) asserting any claim or right under this sub-
17 title;

18 (3) assisting a domestic worker in asserting
19 such claim or right;

20 (4) informing any domestic worker about this
21 subtitle;

22 (5) requesting a change to the written agree-
23 ment or scheduled work hours described in section
24 110 or 112, respectively;

1 (6) participating as a member of, or taking an
 2 action described in paragraph (7) with respect to,
 3 the Domestic Worker Wage and Standards Board
 4 described in section 201; and

5 (7)(A) filing an action, or instituting or causing
 6 to be instituted any proceeding, under or related to
 7 this subtitle;

8 (B) giving, or being about to give, any informa-
 9 tion in connection with any inquiry or proceeding re-
 10 lating to any right provided under this subtitle; or

11 (C) testifying, or being about to testify, in any
 12 inquiry or proceeding relating to any right provided
 13 under this subtitle.

14 (c) IMMIGRATION-RELATED ACTIONS AS DISCRIMI-
 15 NATION.—For purposes of subsections (a) and (b), dis-
 16 crimination with respect to compensation, terms, condi-
 17 tions, or privileges of employment occurs if a person un-
 18 dertakes any of the following activities (unless such activ-
 19 ity is legal conduct undertaken at the express and specific
 20 direction or request of the Federal Government):

21 (1) Reporting, or threatening to report, the citi-
 22 zenship or immigration status of a domestic worker,
 23 or the suspected citizenship or immigration status of
 24 a family member of such an individual, to a Federal,
 25 State, or local agency.

1 (2) Requesting more or different documents
2 than those required under section 274A(b) of the
3 Immigration and Nationality Act (8 U.S.C.
4 1324a(b)), or refusing to honor documents that on
5 their face appear to be genuine.

6 (3) Using the Federal E-Verify system to check
7 employment status in a manner not required under
8 section 274A(b) of the Immigration and Nationality
9 Act (8 U.S.C. 1324a(b)) or any memorandum gov-
10 erning use of the E-Verify system.

11 (4) Filing, or threatening to file, a false police
12 report relating to the immigration status of a do-
13 mestic worker, or a family member of a domestic
14 worker.

15 (5) Contacting, or threatening to contact, immi-
16 gration authorities relating to the immigration sta-
17 tus of a domestic worker, or a family member of a
18 domestic worker.

19 (d) PRESUMPTION OF RETALIATION.—

20 (1) IN GENERAL.—For the purposes of sub-
21 sections (a) and (b), proof that a person discharged
22 an individual, or discriminated against an individual
23 with respect to compensation, terms, conditions, or
24 privileges of employment, within 90 days of the indi-
25 vidual involved asserting any claim or right under

1 this subtitle, or assisting any other individual in as-
 2 serting such a claim or right, shall raise a presump-
 3 tion that the discharge or discrimination was in re-
 4 taliation as prohibited under subsection (a) or (b),
 5 as the case may be.

6 (2) REBUTTAL.—The presumption under para-
 7 graph (1) may be rebutted by clear and convincing
 8 evidence that such discharge or discrimination was
 9 taken for another permissible reason.

10 **SEC. 118. ENFORCEMENT AUTHORITY.**

11 (a) IN GENERAL.—

12 (1) APPLICATION.—In this subsection—

13 (A) the term “domestic worker” means a
 14 domestic worker described in subsection
 15 (e)(1)(A); and

16 (B) the term “domestic work hiring enti-
 17 ty” means a domestic work hiring entity de-
 18 scribed in subsection (e)(2)(A).

19 (2) INVESTIGATIVE AUTHORITY.—

20 (A) IN GENERAL.—To ensure compliance
 21 with the provisions of this subtitle, or any regu-
 22 lation or order issued under this subtitle, the
 23 Secretary shall have the investigative authority
 24 provided under section 11(a) of the Fair Labor
 25 Standards Act of 1938 (29 U.S.C. 211(a)),

1 with respect to hiring entities, domestic work-
2 ers, and other individuals affected.

3 (B) OBLIGATION TO KEEP AND PRESERVE
4 RECORDS.—A domestic work hiring entity shall
5 make, keep, and preserve records pertaining to
6 compliance with this subtitle in accordance with
7 section 11(c) of the Fair Labor Standards Act
8 of 1938 (29 U.S.C. 211(c)) and in accordance
9 with regulations prescribed by the Secretary.

10 (C) REQUIRED SUBMISSIONS GENERALLY
11 LIMITED TO AN ANNUAL BASIS.—The Secretary
12 shall not require under this paragraph a domes-
13 tic work hiring entity to submit to the Sec-
14 retary any books or records more than once
15 during any 12-month period, unless the Sec-
16 retary—

17 (i) has reasonable cause to believe
18 there may exist a violation of this subtitle,
19 including any regulation or order issued
20 under this subtitle; or

21 (ii) is investigating a charge under
22 paragraph (4).

23 (D) SUBPOENA AUTHORITY.—For the pur-
24 poses of any investigation under this paragraph,
25 the Secretary shall have the subpoena authority

provided under section 9 of the Fair Labor Standards Act of 1938 (29 U.S.C. 209).

(3) CIVIL ACTION BY DOMESTIC WORKERS.—

(A) RIGHT OF ACTION.—An action to recover the damages or equitable relief prescribed in subparagraph (B) may be maintained against a domestic work hiring entity by one or more domestic workers, or a representative for and on behalf of the domestic workers and any other domestic workers that may be similarly situated.

(B) LIABILITY.—A domestic work hiring entity that violates this subtitle shall be liable to a domestic worker aggrieved by the violation, except as provided in subparagraphs (C) and (D) for—

(i) damages equal to—

(I) the amount of—

(aa) any wages, salary, employment benefits, or other compensation denied or lost by reason of the violation; or

(bb) in a case in which wages, salary, employment benefits, or other compensation have

1 not been denied or lost, any ac-
2 tual monetary losses sustained,
3 or the costs reasonably related to
4 damage to or loss of property, or
5 any other injury to the person,
6 reputation, character, or feelings,
7 sustained by a domestic worker
8 as a direct result of the violation,
9 or any injury to another person
10 sustained as a direct result of the
11 violation, by the domestic work
12 hiring entity;

13 (II) the interest on the amount
14 described in subclause (I) calculated
15 at the prevailing rate;

16 (III) an additional amount as liq-
17 uidated damages; and

18 (IV) such other legal relief as
19 may be appropriate;

20 (ii) such equitable relief as may be ap-
21 propriate, including employment, reinstatement,
22 and promotion; and

23 (iii) a reasonable attorney's fee, rea-
24 sonable expert witness fees, and other costs
25 of the action.

(C) MEAL AND REST BREAKS.—In the case of a violation of section 115, the domestic work hiring entity involved shall be liable under subparagraph (B)—

(i) for the amount of damages described in subclauses (I), (II), and (III) of subparagraph (B)(i); and

(ii) under subparagraph (B)(i)(IV), for each such violation, for an amount equal to 1 hour of pay at the domestic worker’s regular rate of compensation (but not more than 2 hours of such pay for each workday for which the domestic work hiring entity is in violation of such section).

(D) WRITTEN AGREEMENTS.—In the case of a violation of section 110, the domestic work hiring entity involved shall be liable, under subparagraph (B)(i)(I), for an amount equal to \$5,000.

(E) VENUE.—An action under this paragraph may be maintained in any Federal or State court of competent jurisdiction.

(4) ACTION BY THE SECRETARY.—

(A) ADMINISTRATIVE ACTION.—

(i) IN GENERAL.—Subject to clause (ii), and subparagraphs (C) and (D) of paragraph (3), the Secretary shall receive, investigate, and attempt to resolve complaints of violations of this subtitle in the same manner that the Secretary receives, investigates, and attempts to resolve complaints of violations of sections 6, 7, and 15(a)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206, 207, and 215(a)(3)), including the Secretary’s authority to supervise payment of wages and compensation under section 16(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(c)).

(ii) VIOLATIONS GENERALLY.—The Secretary may assess a civil penalty against a domestic work hiring entity that violates any section of this subtitle—

(I) of not more than \$15,000 for any first violation of any such section by such domestic work hiring entity; and

(II) of not more than \$25,000 for any subsequent violation of any

1 such section by such domestic work
2 hiring entity.

3 (B) ADMINISTRATIVE REVIEW.—Any ag-
4 grieved dislocated worker who takes exception
5 to an order issued by the Secretary under sub-
6 paragraph (A) may request review of and a de-
7 cision regarding such order by an administra-
8 tive law judge. In reviewing the order, the ad-
9 ministrative law judge may hold an administra-
10 tive hearing concerning the order, in accordance
11 with the requirements of sections 554, 556, and
12 557 of title 5, United States Code. Such hear-
13 ing shall be conducted expeditiously. If no ag-
14 grieved dislocated worker requests such review
15 within 60 days after the order is issued under
16 subparagraph (A), the order shall be considered
17 to be a final order that is not subject to judicial
18 review.

19 (C) CIVIL ACTION.—The Secretary may
20 bring an action in any court of competent juris-
21 diction to recover amounts described in para-
22 graph (3)(B) on behalf of a domestic worker
23 aggrieved by a violation of this subtitle.

24 (D) SUMS RECOVERED.—

1 (i) IN GENERAL.—Any sums recovered
 2 by the Secretary under subparagraph (C)
 3 shall be held in a special deposit account
 4 and shall be paid, on order of the Sec-
 5 retary, directly to each domestic worker
 6 aggrieved by the violation for which the ac-
 7 tion was brought. Any such sums not paid
 8 to a domestic worker because of inability
 9 to do so within a period of 3 years shall be
 10 deposited into the Treasury of the United
 11 States as a miscellaneous receipt.

12 (ii) CIVIL PENALTY.—Any sums re-
 13 covered by the Secretary under subpara-
 14 graph (A)(ii) shall be deposited into the
 15 general fund of the Treasury of the United
 16 States as a miscellaneous receipt.

17 (5) LIMITATION.—

18 (A) IN GENERAL.—Except as provided in
 19 subparagraph (B), an action may be brought
 20 under paragraph (3), (4), or (6) not later than
 21 2 years after the date of the last event consti-
 22 tuting the alleged violation for which the action
 23 is brought.

24 (B) WILLFUL VIOLATION.—In the case of
 25 an action brought for a willful violation of this

1 subtitle, such action may be brought not later
 2 than 3 years after the date of the last event
 3 constituting the alleged violation for which such
 4 action is brought.

5 (C) COMMENCEMENT.—An action shall be
 6 considered commenced under paragraph (3),
 7 (4), or (6) for the purposes of this paragraph
 8 on the date on which the complaint is filed
 9 under such paragraph (3), (4), or (6).

10 (6) ACTION FOR INJUNCTION.—The district
 11 courts of the United States together with the Dis-
 12 trict Court of the Virgin Islands and the District
 13 Court of Guam shall have jurisdiction, for cause
 14 shown, in an action brought by a domestic worker
 15 or the Secretary—

16 (A) to restrain violations of this subtitle,
 17 including the withholding of a written agree-
 18 ment from a domestic worker as required under
 19 section 110, or of any withholding of payment
 20 of wages, salary, employment benefits, or other
 21 compensation, plus interest, found by the court
 22 to be due to a domestic worker under this sub-
 23 title; or

24 (B) to award such other equitable relief as
 25 may be appropriate, including employment, re-

1 instatement, and promotion, for a violation of
2 this subtitle.

3 (7) SOLICITOR OF LABOR.—The Solicitor of
4 Labor may appear for and represent the Secretary
5 on any litigation brought under paragraph (4) or
6 (6).

7 (8) GOVERNMENT ACCOUNTABILITY OFFICE
8 AND LIBRARY OF CONGRESS.—Notwithstanding any
9 other provision of this subsection, in the case of the
10 Government Accountability Office and the Library of
11 Congress, the authority of the Secretary of Labor
12 under this subsection shall be exercised respectively
13 by the Comptroller General of the United States and
14 the Librarian of Congress.

15 (b) EMPLOYEES COVERED BY CONGRESSIONAL AC-
16 COUNTABILITY ACT OF 1995.—The powers, remedies, and
17 procedures provided in the Congressional Accountability
18 Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as de-
19 fined in section 101 of that Act (2 U.S.C. 1301)), or any
20 person, alleging a violation of section 202(a)(1) of that
21 Act (2 U.S.C. 1312(a)(1)) shall be the powers, remedies,
22 and procedures this Act provides to that Board, or any
23 person, alleging an unlawful employment practice in viola-
24 tion of this subtitle against a domestic worker described
25 in subsection (e)(1)(B).

1 (c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE
 2 3, UNITED STATES CODE.—The powers, remedies, and
 3 procedures provided in chapter 5 of title 3, United States
 4 Code, to the President, the Merit Systems Protection
 5 Board, or any person, alleging a violation of section
 6 412(a)(1) of that title, shall be the powers, remedies, and
 7 procedures this Act provides to the President, that Board,
 8 or any person, respectively, alleging an unlawful employ-
 9 ment practice in violation of this subtitle against a domes-
 10 tic worker described in subsection (e)(1)(C).

11 (d) EMPLOYEES COVERED BY CHAPTER 63 OF TITLE
 12 5, UNITED STATES CODE.—The powers, remedies, and
 13 procedures provided in title 5, United States Code, to an
 14 employing agency, provided in chapter 12 of that title to
 15 the Merit Systems Protection Board, or provided in that
 16 title to any person, alleging a violation of chapter 63 of
 17 that title, shall be the powers, remedies, and procedures
 18 this Act provides to that agency, that Board, or any per-
 19 son, respectively, alleging an unlawful employment prac-
 20 tice in violation of this subtitle against a domestic worker
 21 described in subsection (e)(1)(D).

22 (e) DEFINITION.—In section 117 and this section, ex-
 23 cept as otherwise provided in this subsection:

1 (1) DOMESTIC WORKER.—Notwithstanding sec-
2 tion 3, the term “domestic worker” means a domes-
3 tic worker—

4 (A) as defined in section 3(b)(6) except
5 that a reference in that section to an individual
6 or employee shall be considered to be a ref-
7 erence to an individual compensated for services
8 provided to an entity described in paragraph
9 (2)(A);

10 (B) as defined in section 3(b)(6) except
11 that a reference in that section to an individual
12 or employee shall be considered to be a ref-
13 erence to an individual compensated for services
14 provided to an entity described in paragraph
15 (2)(B);

16 (C) as defined in section 3(b)(6) except
17 that a reference in that section to an individual
18 or employee shall be considered to be a ref-
19 erence to an individual compensated for services
20 provided to an entity described in paragraph
21 (2)(C); and

22 (D) as defined in section 3(b)(6) except
23 that a reference in that section to an individual
24 or employee shall be considered to be a ref-
25 erence to an individual compensated for services

1 provided to an entity described in paragraph
2 (2)(D).

3 (2) DOMESTIC WORK HIRING ENTITY.—Not-
4 withstanding section 3, the term “domestic work hir-
5 ing entity” means a domestic work hiring entity—

6 (A) as defined in section 3(b)(7) except
7 that a reference in that section to a person or
8 employer shall be considered to be a reference
9 to an employer described in clause (i) or (ii) of
10 subparagraph (A), and subparagraph (B), of
11 paragraph (3);

12 (B) as defined in section 3(b)(7) except
13 that a reference in that section to a person or
14 employer shall be considered to be a reference
15 to an employer described in subparagraphs
16 (A)(iii) and (B) of paragraph (3);

17 (C) as defined in section 3(b)(7) except
18 that a reference in that section to a person or
19 employer shall be considered to be a reference
20 to an employer described in subparagraphs
21 (A)(iv) and (B) of paragraph (3); and

22 (D) as defined in section 3(b)(7) except
23 that a reference in that section to a person or
24 employer shall be considered to be a reference

1 to an employer described in subparagraphs
2 (A)(v) and (B) of paragraph (3)(A).

3 (3) EMPLOYER.—Notwithstanding section 3,
4 for purposes of paragraph (2), the term “employer”
5 means a person who is—

6 (A)(i) an employer, as defined in section
7 3(a), who is not covered under another clause
8 of this subparagraph;

9 (ii) an entity employing a State employee
10 described in section 304(a) of the Government
11 Employee Rights Act of 1991;

12 (iii) an employing office, as defined in sec-
13 tion 101 of the Congressional Accountability
14 Act of 1995;

15 (iv) an employing office, as defined in sec-
16 tion 411(c) of title 3, United States Code; or

17 (v) an employing agency covered under
18 subchapter V of chapter 63 of title 5, United
19 States Code; and

20 (B) an enterprise engaged in commerce or
21 in the production of goods for commerce.

22 (4) EMPLOYMENT.—Notwithstanding section 3,
23 the term “employment” includes service as a domes-
24 tic worker.

1 **SEC. 119. EFFECT ON EXISTING EMPLOYMENT BENEFITS**
2 **AND OTHER LAWS.**

3 (a) IN GENERAL.—Nothing in this subtitle shall—

4 (1) supersede a provision in a collective bar-
5 gaining agreement; or

6 (2) be construed to diminish the obligation of a
7 domestic work hiring entity to comply with any con-
8 tract, collective bargaining agreement, or employ-
9 ment benefit program or plan that provides greater
10 rights or benefits to domestic workers than the
11 rights established under this Act.

12 (b) OTHER LAWS.—Nothing in this subtitle shall—

13 (1) affect the obligation of a domestic work hir-
14 ing entity to provide a reasonable accommodation in
15 the form of a change to the work schedule of a do-
16 mestic worker required under any other law, or to
17 otherwise comply with any other law;

18 (2) preempt, limit, or otherwise affect the appli-
19 cability of any State or local law that provides com-
20 parable or superior benefits for domestic workers to
21 the requirements under this subtitle; or

22 (3) diminish the rights, privileges, or remedies
23 of any domestic worker under any Federal or State
24 law or under any collective bargaining agreement.

25 (c) NO WAIVERS.—The rights and remedies in this
26 subtitle may not be waived by a domestic worker through

1 any agreement, policy, or form, or as a condition of em-
 2 ployment.

3 **Subtitle C—Domestic Worker** 4 **Health and Safety**

5 **SEC. 121. NATIONAL DOMESTIC WORKER HOTLINE.**

6 (a) IN GENERAL.—The Secretary shall award a
 7 grant, on a competitive basis, to an entity eligible under
 8 subsection (b), for a national hotline that domestic work-
 9 ers may call to report emergencies, seek emergency serv-
 10 ices, or seek support or guidance in lieu of emergency serv-
 11 ices.

12 (b) ELIGIBILITY.—In order to be eligible to receive
 13 a grant under subsection (a), an entity shall—

14 (1) be an entity described in paragraph (3), (5),
 15 or (6) of section 501(c) of the Internal Revenue
 16 Code of 1986 and exempt from taxation under sec-
 17 tion 501(a) of such Code;

18 (2) have a demonstrated expertise in and expe-
 19 rience with domestic workers;

20 (3) employ or otherwise engage domestic work-
 21 ers in the performance of domestic services;

22 (4) have a leadership or board structure that
 23 includes domestic workers; and

24 (5) comply with any other criteria established
 25 by the Secretary for purposes of this section.

1 **SEC. 122. ACCESS TO HEALTH AND SAFETY.**

2 (a) STANDARD FOR DOMESTIC WORKERS.—

3 (1) STANDARD.—

4 (A) IN GENERAL.—Not later than 1 year
5 after the date of enactment of this Act, the
6 Consumer Product Safety Commission shall, to
7 improve the health and safety of domestic work-
8 ers that clean private homes, promulgate a con-
9 sumer product safety standard under section 7
10 of the Consumer Product Safety Act (15 U.S.C.
11 2056) to require manufacturers of household
12 cleaning supplies to—

13 (i) make safety data sheets for any
14 household cleaning supply that contains a
15 hazardous chemical available on the
16 website of the manufacturer in a manner
17 that ensures such safety data sheets are
18 easily accessed via the name of the specific
19 product line;

20 (ii) translate such safety data sheets
21 into multiple languages, including all lan-
22 guages in which the Secretary, acting
23 through the Administrator of the Wage
24 and Hour Division, translates the basic in-
25 formation fact sheet published by the Ad-
26 ministrator; and

1 (iii) create and provide, for use on
 2 small secondary containers, small labels
 3 with the name of the product and its ingre-
 4 dients as listed on the safety data sheet.

5 (B) CIVIL PENALTY.—Notwithstanding
 6 section 20 of the Consumer Product Safety Act
 7 (15 U.S.C. 2069), or any other provision of
 8 that Act, any person that knowingly violates the
 9 requirements of the standard promulgated
 10 under subparagraph (A) shall be subject to a
 11 civil penalty not to exceed \$500 for each viola-
 12 tion.

13 (2) EDUCATIONAL MATERIALS FOR WORK-
 14 ERS.—The Consumer Product Safety Commission
 15 shall produce educational materials for consumers
 16 and domestic workers regarding requirements for
 17 safety data sheets and translate such materials into
 18 multiple languages, including all languages described
 19 in paragraph (1)(A)(ii).

20 (3) DEFINITIONS.—In this subsection:

21 (A) HAZARDOUS CHEMICAL.—The term
 22 “hazardous chemical” has the meaning given
 23 such term in section 1910.1200(c) of title 29,
 24 Code of Federal Regulations, or a successor
 25 regulation.

1 (B) HOUSEHOLD CLEANING SUPPLY.—The
2 term “household cleaning supply”—

3 (i) means any product, including a
4 soap or detergent containing a surfactant
5 as a wetting or dirt emulsifying agent, that
6 is used primarily for domestic or commer-
7 cial cleaning purposes, including the
8 cleansing of fabrics, dishes, food utensils,
9 and household and commercial premises;
10 and

11 (ii) does not include—

12 (I) food, drugs, or cosmetics, in-
13 cluding personal care items such as
14 toothpaste, shampoo, or hand soap; or

15 (II) products labeled, advertised,
16 marketed, or distributed for use pri-
17 marily as a pesticide subject to the
18 Federal Insecticide, Fungicide, and
19 Rodenticide Act (7 U.S.C. 136 et
20 seq.).

21 (C) SAFETY DATA SHEETS.—The term
22 “safety data sheets” means the safety data
23 sheets required under section 1910.1200 of title
24 29, Code of Federal Regulations, or a successor
25 regulation.

1 (b) NIOSH EDUCATIONAL MATERIALS.—Not later
 2 than 1 year after the date of enactment of this Act, the
 3 Director of the National Institute for Occupational Safety
 4 and Health shall develop and publish educational mate-
 5 rials on protecting the health and safety of domestic work-
 6 ers who provide child care or cleaning services.

7 **SEC. 123. OCCUPATIONAL SAFETY AND HEALTH TRAINING**
 8 **GRANTS.**

9 The Secretary shall, in awarding Susan Harwood
 10 training grants under the Occupational Safety and Health
 11 Act of 1970 (29 U.S.C. 651 et seq.), assure that hazards
 12 facing domestic workers are included as a topic for train-
 13 ing in any announcement for such grants issued after the
 14 date of enactment of this Act.

15 **SEC. 124. STUDY OF ACCESS TO WORKERS' COMPENSATION.**

16 (a) IN GENERAL.—The Secretary shall conduct a
 17 study on the coverage of domestic workers under State
 18 workers' compensation laws.

19 (b) REPORT.—Not later than 1 year after the date
 20 of enactment of this Act, the Secretary shall publish a re-
 21 port on—

22 (1) the findings of the study conducted under
 23 subsection (a); and

24 (2) recommendations to improve access of do-
 25 mestic workers to workers' compensation.

1 **SEC. 125. WORKPLACE HARASSMENT SURVIVOR SUPPORTS**

2 **STUDY.**

3 (a) IN GENERAL.—Not later than 1 year after the
 4 date of enactment of this Act, the Comptroller General
 5 of the United States shall submit a report, to the Inter-
 6 agency Task Force on Domestic Workers Bill of Rights
 7 Enforcement established under section 303(a) and Con-
 8 gress, on ways to expedite public support to ensure that
 9 survivors of workplace harassment in low-wage, vulner-
 10 able, and marginalized sectors, such as the domestic serv-
 11 ice sector, can access support for any of the following:

- 12 (1) Housing services.
- 13 (2) Health care services, including mental
- 14 health services.
- 15 (3) Counseling services.
- 16 (4) Workers' compensation.
- 17 (5) Unemployment insurance.
- 18 (6) Disability benefits.
- 19 (7) Transportation stipends.
- 20 (8) Any other support determined appropriate
- 21 by the Secretary.

22 (b) RECOMMENDATIONS.—The report required under
 23 subsection (a) shall—

- 24 (1) include specific recommendations for each
- 25 type of support listed in paragraphs (1) through (8)
- 26 of such subsection; and

1 (2) take into account that support is needed re-
2 gardless of immigration or citizenship status.

3 **Subtitle D—Amendment to Title**
4 **VII of Civil Rights Act of 1964**

5 **SEC. 131. INCLUDING CERTAIN DOMESTIC WORKERS IN**
6 **CIVIL RIGHTS PROTECTIONS AGAINST DIS-**
7 **CRIMINATION IN EMPLOYMENT.**

8 Section 701(b) of the Civil Rights Act of 1964 (42
9 U.S.C. 2000e(b)) is amended by striking “fifteen” and in-
10 serting “one”.

11 **TITLE II—ORGANIZING, BENE-**
12 **FITS, AND WORKFORCE IN-**
13 **VESTMENT**

14 **SEC. 201. DOMESTIC WORKER WAGE AND STANDARDS**
15 **BOARD.**

16 (a) ESTABLISHMENT AND PURPOSES.—The Sec-
17 retary shall establish a board to be known as the “Domes-
18 tic Worker Wage and Standards Board” (referred to in
19 this section as the “Board”) to investigate standards in
20 the domestic workers industry, and issue recommenda-
21 tions to the Secretary under subsection (e)(1), in order
22 to—

23 (1) promote the health, safety, and well-being of
24 domestic workers; and

25 (2) achieve a living wage for domestic workers.

1 (b) MEMBERSHIP.—

2 (1) COMPOSITION.—The Board shall be com-
3 posed of 11 members, of which—

4 (A) 5 shall be individuals, appointed by the
5 Secretary in accordance with paragraph (2),
6 representing domestic workers;

7 (B) 5 shall be individuals, appointed by the
8 Secretary in accordance with paragraph (3),
9 representing domestic work hiring entities; and

10 (C) 1 member shall be the Secretary, or a
11 designee of the Secretary.

12 (2) DOMESTIC WORKERS SEATS.—

13 (A) IN GENERAL.—The Secretary shall ap-
14 point members of the Board representing do-
15 mestic workers from among individuals nomi-
16 nated under subparagraph (B) by eligible work-
17 er organizations.

18 (B) SELECTION OF ELIGIBLE WORKER OR-
19 GANIZATIONS.—The Secretary shall enter into
20 agreements on a competitive basis with eligible
21 worker organizations for such organizations to
22 nominate individuals to serve as members of the
23 Board representing domestic workers.

24 (C) SELECTING INDIVIDUALS ON THE
25 BOARD.—For each individual nominated under

1 subparagraph (B), the Secretary shall submit a
2 report to Congress indicating whether the Sec-
3 retary has decided to appoint the individual to
4 the Board and the reasons for such decision.

5 (D) DEFINITION OF ELIGIBLE WORKER
6 ORGANIZATION.—In this paragraph, the term
7 “eligible worker organization” means an organi-
8 zation that—

9 (i) is not a hiring entity or employ-
10 ment agency;

11 (ii) represents members of the organi-
12 zation, including domestic workers;

13 (iii)(I) is described in paragraph (3),
14 (4), (5), or (6) of section 501(c) of the In-
15 ternal Revenue Code of 1986, and exempt
16 from taxation under section 501(a) of such
17 Code; and

18 (II) is organized and operated for the
19 betterment of workers, including domestic
20 workers;

21 (iv) engages in public advocacy to pro-
22 mote the health and well-being of domestic
23 workers;

1 (v) has a governing structure that
 2 promotes the decision-making power of do-
 3 mestic workers; and

4 (vi) submits an application to the Sec-
 5 retary at such time, in such manner, and
 6 containing such information as the Sec-
 7 retary may reasonably require.

8 (3) DOMESTIC WORK HIRING ENTITY SEATS.—

9 (A) IN GENERAL.—The Secretary shall ap-
 10 point members of the Board representing do-
 11 mestic work hiring entities from among individ-
 12 uals nominated by eligible hiring organizations
 13 under subparagraph (B).

14 (B) SELECTION OF ELIGIBLE HIRING OR-
 15 GANIZATIONS.—The Secretary shall enter into
 16 agreements on a competitive basis with eligible
 17 hiring organizations for such organizations to
 18 nominate individuals to serve as members of the
 19 Board representing domestic work hiring enti-
 20 ties.

21 (C) SELECTING INDIVIDUALS ON THE
 22 BOARD.—

23 (i) IN GENERAL.—For each individual
 24 nominated under subparagraph (B), the
 25 Secretary shall submit a report to Con-

1 gress indicating whether the Secretary has
2 decided to appoint the individual to the
3 Board and the reasons for such decision.

4 (ii) REQUIREMENTS FOR APPOINT-
5 MENTS.—The Secretary shall ensure
6 that—

7 (I) not less than 2 seats under
8 this paragraph are filled by an indi-
9 vidual who contracts with, or hires, 1
10 domestic worker to work in the resi-
11 dence of the individual;

12 (II) not less than 1 seat under
13 this paragraph is filled by a nomina-
14 tion from an eligible hiring organiza-
15 tion that is dedicated to the well-being
16 of domestic workers;

17 (III) not less than 1 seat under
18 this paragraph is filled by an indi-
19 vidual who relies on a personal or
20 home care aide financed through a
21 State Medicaid program under title
22 XIX of the Social Security Act (42
23 U.S.C. 1396 et seq.);

1 (IV) not less than 1 seat under
2 this paragraph is filled by an indi-
3 vidual who—

4 (aa) is an adult family mem-
5 ber of a functionally disabled el-
6 derly individual, or an individual
7 with a disability;

8 (bb) is an informal provider
9 of in-home care to such function-
10 ally disabled elderly individual or
11 individual with a disability; and

12 (cc) contracts with, or hires,
13 1 or more domestic workers to
14 provide additional care for the
15 functionally disabled elderly indi-
16 vidual or individual with a dis-
17 ability;

18 (V) a single domestic work hiring
19 entity does not fill more than 1 seat
20 under this paragraph; and

21 (VI) any domestic work hiring
22 entity serving on the Board satisfies
23 the requirements under clause (iii).

24 (iii) DISCLOSURE OF LABOR VIOLA-
25 TIONS.—

1 (I) IN GENERAL.—The Secretary
2 shall require that each domestic work
3 hiring entity that serves on the Board
4 disclose to the Secretary, with respect
5 to the preceding 5-year period—

6 (aa) any administrative mer-
7 its determination, arbitral award
8 or decision, or civil judgment, as
9 determined by the Secretary, ren-
10 dered against the entity for a vio-
11 lation of the labor laws listed in
12 subclause (II); and

13 (bb) any steps taken by the
14 entity to correct a violation of or
15 improve compliance with such
16 labor laws, including any agree-
17 ment entered into with an en-
18 forcement agency.

19 (II) LABOR LAWS.—The labor
20 laws described in this subclause are
21 each of the following:

22 (aa) The Fair Labor Stand-
23 ards Act of 1938 (29 U.S.C. 201
24 et seq.).

1 (bb) Title VII of the Civil
 2 Rights Act of 1964 (42 U.S.C.
 3 2000e et seq.).

4 (cc) The Occupational Safe-
 5 ty and Health Act of 1970 (29
 6 U.S.C. 651 et seq.).

7 (III) RESPONSIBLE SOURCE.—
 8 The Secretary shall consider informa-
 9 tion disclosed by a domestic work hir-
 10 ing entity under this clause to deter-
 11 mine whether the entity has a satis-
 12 factory record of integrity and busi-
 13 ness ethics for purposes of deter-
 14 mining whether the entity shall serve
 15 on the Board.

16 (D) DEFINITION OF ELIGIBLE HIRING OR-
 17 GANIZATION.—In this paragraph, the term “eli-
 18 gible hiring organization” means an organiza-
 19 tion that—

20 (i)(I) is an agency employing 2 or
 21 more domestic workers; or

22 (II) is an association of 2 or more in-
 23 dividuals who hire or contract with domes-
 24 tic workers; and

1 (ii) submits an application to the Sec-
 2 retary at such time, in such manner, and
 3 containing such information as the Sec-
 4 retary may reasonably require.

5 (4) CHAIRPERSON.—The Board shall select a
 6 Chairperson from among the members of the Board.

7 (5) EXECUTIVE COMMITTEE.—The Chairperson
 8 shall assign an executive committee of 3 members of
 9 the Board, including not less than 1 representative
 10 appointed under paragraph (2) and 1 representative
 11 appointed under paragraph (3). Such executive com-
 12 mittee shall establish an agenda and a work plan for
 13 the Board.

14 (c) TERMS.—

15 (1) IN GENERAL.—Except as provided in para-
 16 graph (2), each member of the Board shall serve a
 17 term of 2 years.

18 (2) INITIAL MEMBERS.—The Secretary shall
 19 stagger the terms of the Board members such
 20 that—

21 (A) half of the initial members appointed
 22 to the Board serve a term of 4 years, including
 23 half of the members described in subsection
 24 (b)(1)(A) and half of the members described in
 25 subsection (b)(1)(B); and

1 (B) half of the initial members appointed
2 to the Board serve a term of 2 years, including
3 half of the members described in subsection
4 (b)(1)(A) and half of the members described in
5 subsection (b)(1)(B).

6 (3) VACANCIES.—

7 (A) IN GENERAL.—A vacancy on the
8 Board—

9 (i) shall not affect the powers of the
10 Board; and

11 (ii) shall be filled in the same manner
12 as the original appointment was made.

13 (B) PRESUMPTION.—If a member of the
14 Board is unable to fill the duties of the member
15 in serving on the Board, or leaves the domestic
16 service industry, for a period that exceeds 90
17 days while serving on the Board, the seat of the
18 member shall be considered a vacancy for pur-
19 poses of this paragraph.

20 (d) MEETINGS.—

21 (1) IN GENERAL.—The Board shall meet at the
22 call of the Chairperson.

23 (2) PUBLIC NOTICE.—The call of the Chair-
24 person under paragraph (1) shall include notice to
25 the public of the meeting.

1 (3) INITIAL MEETING.—Not later than 90 days
2 after the date on which all members of the Board
3 have been appointed, the Board shall hold the initial
4 meeting of the Board.

5 (e) STANDARDS.—

6 (1) PROCESS FOR RECOMMENDING STAND-
7 ARDS.—

8 (A) IN GENERAL.—Not later than 1 year
9 after the date of enactment of this Act, and
10 every 3 years thereafter, the Board shall issue
11 recommendations to the Secretary for standards
12 that affect the well-being of domestic workers,
13 including recommendations for—

14 (i) minimum wage rates for domestic
15 workers;

16 (ii) workplace standards for domestic
17 workers, including standards for occupa-
18 tional safety and health, hours, benefits,
19 and other standards that impact working
20 conditions; and

21 (iii) implementing and enforcing the
22 rights of domestic workers granted under
23 this Act and other Federal laws, including
24 rights for minimum wage and workplace
25 standards.

1 (B) VOTING.—Any decision of the Board
2 regarding a recommendation issued under sub-
3 paragraph (A) shall be decided through a vote
4 of the Board. In any such vote:

5 (i) Each voting member of the Board
6 shall have 1 vote.

7 (ii) A quorum of the members of the
8 Board shall be required to be in attend-
9 ance at the vote. A quorum shall not be
10 formed if there are in attendance fewer
11 than—

12 (I) 2 members of the Board de-
13 scribed in subsection (b)(1)(A); or

14 (II) 2 members of the Board de-
15 scribed in subsection (b)(1)(B).

16 (iii) The vote shall be agreed to upon
17 the affirmative vote of not less than a ma-
18 jority of the members of the Board present
19 and voting.

20 (2) RULEMAKING.—

21 (A) AUTHORITY.—The Secretary may
22 issue a rule, in accordance with section 553 of
23 title 5, United States Code, regarding any
24 standard recommended by the Board under
25 paragraph (1).

1 (B) DECISION.—

2 (i) IN GENERAL.—Not later than 90
3 days after receiving a recommendation
4 from the Board under paragraph (1), the
5 Secretary shall issue a decision on—

6 (I) whether the Secretary will
7 issue a rule under subparagraph (A)
8 regarding such recommendation; and

9 (II) if the Secretary issues such a
10 rule, whether the Secretary will devi-
11 ate from such recommendation
12 through such rule.

13 (ii) EXPLANATORY STATEMENT.—If
14 the Secretary decides not to issue a rule
15 under subparagraph (A) regarding a rec-
16 ommendation under paragraph (1) or de-
17 cides to deviate from such recommendation
18 in such a rule, the Secretary shall have 90
19 days after receiving such recommendation
20 to issue a statement explaining the deci-
21 sion.

22 (C) MINIMUM WAGE RATES.—

23 (i) LIMITATION.—No standard in-
24 cluded in a rule issued under subparagraph
25 (A) may be for a minimum wage rate that

1 is less than any minimum wage rate in ef-
 2 fect for domestic workers under State or
 3 local law or the wage rate in effect under
 4 section 6(a)(1) of the Fair Labor Stand-
 5 ards Act of 1938 (29 U.S.C. 206(a)(1)).

6 (ii) INFLATION.—

7 (I) ANNUAL INCREASE.—Any
 8 standard for a minimum wage rate in-
 9 cluded in a rule issued under subpara-
 10 graph (A) shall be increased annually
 11 based on the annual change in the
 12 median hourly wage of all employees
 13 as determined by the Bureau of Labor
 14 Statistics and may not be decreased.

15 (II) INTERACTION WITH BOARD
 16 RECOMMENDATIONS.—If the Board
 17 does not include, in the recommenda-
 18 tions submitted under paragraph (1),
 19 a recommended standard to raise the
 20 minimum wage rate for domestic
 21 workers, or the Board in the rec-
 22 ommendations includes such a rec-
 23 ommended standard but the Secretary
 24 decides not to issue a rule based on
 25 the recommended standard, the Sec-

1 retary shall, through a rule issued not
2 later than 1 year after the issuance of
3 the Board's recommendations under
4 paragraph (1), provide that the min-
5 imum wage rate shall be increased an-
6 nually based on the annual change in
7 the median hourly wage of all employ-
8 ees as determined by the Bureau of
9 Labor Statistics, in accordance with
10 subclause (I).

11 (D) WORKPLACE STANDARDS.—No stand-
12 ard included in a rule issued under subpara-
13 graph (A) may be for a workplace standard
14 that is less protective of domestic workers than
15 any law in effect on the date of enactment of
16 this Act for domestic workers under any State
17 or local law.

18 (3) RECOMMENDATIONS TO CONGRESS.—

19 (A) IN GENERAL.—For any recommenda-
20 tion made by the Board under paragraph (1)
21 that the Secretary determines is not within the
22 authority of the Secretary, the Secretary shall
23 make a recommendation to Congress to take ac-
24 tion on the recommendation.

1 (B) HEARING AND INVESTIGATIONS.—Not
2 later than 1 year after such a recommendation
3 is made by the Secretary to Congress under
4 subparagraph (A), Congress shall conduct a
5 hearing on and investigate the recommendation.

6 (C) RULEMAKING.—This paragraph is en-
7 acted by Congress—

8 (i) as an exercise of the rulemaking
9 power of the Senate and House of Rep-
10 resentatives, respectively, and as such it is
11 deemed a part of the rules of each House,
12 respectively, but applicable only with re-
13 spect to the procedure to be followed in
14 that House in the case of a joint resolu-
15 tion, and it supersedes other rules only to
16 the extent that it is inconsistent with such
17 rules; and

18 (ii) with full recognition of the con-
19 stitutional right of either House to change
20 the rules (so far as relating to the proce-
21 dure of that House) at any time, in the
22 same manner, and to the same extent as in
23 the case of any other rule of that House.

24 (f) POWERS.—

25 (1) HEARINGS.—

1 (A) IN GENERAL.—The Board may hold
 2 such hearings, meet and act at such times and
 3 places, take such testimony, and receive such
 4 evidence as the Board considers advisable to
 5 carry out this section.

6 (B) REQUIRED PUBLIC HEARINGS.—The
 7 Board shall, prior to issuing any recommenda-
 8 tion under this section, hold public hearings to
 9 enable domestic workers across the United
 10 States to have access to the Board. Any such
 11 public hearing shall—

12 (i) be held at such a time, in such a
 13 location, and in such a facility that ensures
 14 accessibility for domestic workers;

15 (ii) include interpretation services in
 16 the languages most commonly spoken by
 17 domestic workers in the geographic region
 18 of the hearing;

19 (iii) be held in each of the regions
 20 served by the regional offices of the Wage
 21 and Hour Division of the Department of
 22 Labor; and

23 (iv) include worker organizations in
 24 helping to populate the hearings.

25 (2) INFORMATION FROM FEDERAL AGENCIES.—

1 (A) IN GENERAL.—The Board may secure
2 directly from a Federal agency such informa-
3 tion as the Board considers necessary to carry
4 out this section.

5 (B) PROVISION OF INFORMATION.—On re-
6 quest of the Chairperson of the Board, the head
7 of the agency shall provide the information to
8 the Board.

9 (3) POSTAL SERVICES.—The Board may use
10 the United States mails in the same manner and
11 under the same conditions as other agencies of the
12 Federal Government.

13 (4) GIFTS.—The Board may accept, use, and
14 dispose of gifts or donations of services or property.

15 (g) BOARD PERSONNEL MATTERS.—

16 (1) COMPENSATION OF MEMBERS.—

17 (A) NON-FEDERAL EMPLOYEES.—A mem-
18 ber of the Board who is not an officer or em-
19 ployee of the Federal Government shall be com-
20 pensated at a rate equal to the daily equivalent
21 of the annual rate of basic pay prescribed for
22 level IV of the Executive Schedule under section
23 5315 of title 5, United States Code, for each
24 day (including travel time) during which the

1 member is engaged in the performance of the
2 duties of the Board.

3 (B) FEDERAL EMPLOYEES.—A member of
4 the Board who is an officer or employee of the
5 Federal Government shall serve without com-
6 pensation in addition to the compensation re-
7 ceived for the services of the member as an offi-
8 cer or employee of the Federal Government.

9 (2) TRAVEL EXPENSES.—A member of the
10 Board shall be allowed travel expenses, including per
11 diem in lieu of subsistence, at rates authorized for
12 an employee of an agency under subchapter I of
13 chapter 57 of title 5, United States Code, while
14 away from the home or regular place of business of
15 the member in the performance of the duties of the
16 Board.

17 (3) STAFF.—

18 (A) IN GENERAL.—The Chairperson of the
19 Board may, without regard to the civil service
20 laws (including regulations), appoint and termi-
21 nate an executive director and such other addi-
22 tional personnel as are necessary to enable the
23 Board to perform the duties of the Board.

24 (B) REQUIRED STAFF MEMBERS.—The
25 Secretary shall, in accordance with subpara-

graph (A), designate no fewer than 2 full-time staff members to support the operation of the Board through logistical, administrative, and legislative activities.

(C) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Board.

(D) COMPENSATION.—

(i) IN GENERAL.—Except as provided in clause (ii), the Chairperson of the Board may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(4) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

1 (A) IN GENERAL.—An employee of the
 2 Federal Government may be detailed to the
 3 Board without reimbursement.

4 (B) CIVIL SERVICE STATUS.—The detail of
 5 the employee shall be without interruption or
 6 loss of civil service status or privilege.

7 (5) PROCUREMENT OF TEMPORARY AND INTER-
 8 MITTENT SERVICES.—The Chairperson of the Board
 9 may procure temporary and intermittent services in
 10 accordance with section 3109(b) of title 5, United
 11 States Code, at rates for individuals that do not ex-
 12 ceed the daily equivalent of the annual rate of basic
 13 pay prescribed for level V of the Executive Schedule
 14 under section 5316 of that title.

15 (h) RULE OF CONSTRUCTION FOR REPORTING RE-
 16 QUIREMENTS.—

17 (1) IN GENERAL.—Neither the nomination by
 18 an eligible worker organization of 1 or more individ-
 19 uals to serve as members of the Board, nor service
 20 on the Board by a representative of an eligible work-
 21 er organization, shall—

22 (A) make the eligible worker organization
 23 subject to the reporting requirements for labor
 24 organizations under title II of the Labor-Man-

1 agement Reporting and Disclosure Act of 1959
2 (29 U.S.C. 431 et seq.); or

3 (B) be considered as a factor in any deter-
4 mination of whether the eligible worker organi-
5 zation is subject to such reporting require-
6 ments.

7 (2) DEFINITION OF ELIGIBLE WORKER ORGANI-
8 ZATION.—For purposes of this subsection, the term
9 “eligible worker organization” has the meaning
10 given such term in subsection (b)(2)(D).

11 (i) PROHIBITED ACTS.—No domestic work hiring en-
12 tity may take any action prohibited under paragraph (6)
13 of section 117(b) with respect to a domestic worker par-
14 ticipating as a member of, or taking an action described
15 in paragraph (7) of such section with respect to, the
16 Board.

17 (j) RULE OF CONSTRUCTION FOR STATE AND LOCAL
18 STANDARDS.—Nothing in this section shall preempt a
19 State or local law with greater protections for domestic
20 workers than the protections for such workers included in
21 a standard issued through a rule under subsection (e)(2).

22 (k) EFFECT ON EXISTING DOMESTIC WORKER BEN-
23 EFITS.—

24 (1) MORE PROTECTIVE.—Nothing in this sec-
25 tion shall be construed to diminish the obligation of

1 a domestic work hiring entity to comply with any
 2 contract, collective bargaining agreement, or any do-
 3 mestic worker benefit program or plan that provides
 4 greater rights or benefits to domestic workers than
 5 the rights established under this Act.

6 (2) LESS PROTECTIVE.—The rights established
 7 for domestic workers under this section shall not be
 8 diminished by any contract, collective bargaining
 9 agreement, or any benefit program or plan.

10 (1) CONFORMING AMENDMENTS.—Section 6(f) of the
 11 Fair Labor Standards Act of 1938 (29 U.S.C. 206(f)) is
 12 amended—

13 (1) in paragraph (2), by redesignating subpara-
 14 graphs (A) and (B) as clauses (i) and (ii), respec-
 15 tively, and adjusting the margins accordingly;

16 (2) by redesignating paragraphs (1) and (2) as
 17 subparagraphs (A) and (B), respectively, and adjust-
 18 ing the margins accordingly;

19 (3) by striking “Any employee” and inserting
 20 “(1) Subject to paragraph (2), any employee”; and

21 (4) by adding at the end the following:

22 “(2) The Secretary may, through a rule issued under
 23 section 201(e)(2) of the Domestic Workers Bill of Rights
 24 Act, establish a standard for requiring an employer to pay
 25 any employee who in any workweek is employed in domes-

1 tie service in a household a minimum wage at a rate pro-
2 vided for under such rule.”.

3 **SEC. 202. DOMESTIC WORKERS’ BENEFITS STUDY.**

4 (a) STUDY.—

5 (1) IN GENERAL.—The Secretary shall conduct
6 a study, which may be through a contract with an-
7 other entity, for the purpose of providing informa-
8 tion to labor organizations, domestic work hiring en-
9 tities, and the general public concerning how to in-
10 crease the number of domestic workers who have ac-
11 cess to a secure retirement, affordable health care,
12 unemployment insurance, life insurance, and other
13 common benefits provided to employees of large pri-
14 vate and public sector employers.

15 (2) MATTERS.—The study conducted under
16 paragraph (1) shall include a review of each of the
17 following:

18 (A) The levels of access to and usage of
19 common work-related benefits for domestic
20 workers, including retirement savings, health
21 insurance and reduced health care costs, paid
22 sick time, unemployment insurance, disability
23 and life insurance, and paid family and medical
24 leave.

1 (B) Barriers for domestic workers, includ-
2 ing home care workers who provide services for
3 a dependent family member, to—

4 (i) participate in the old-age, sur-
5 vivors, and disability insurance program
6 established under title II of the Social Se-
7 curity Act (42 U.S.C. 401 et seq.);

8 (ii) obtain disability insurance;

9 (iii) participate in the Medicare pro-
10 gram established under title XVIII of the
11 Social Security Act (42 U.S.C. 1395 et
12 seq.);

13 (iv) otherwise access affordable health
14 insurance; and

15 (v) access any other benefits described
16 in subparagraph (A).

17 (C) Reforms necessary to increase access
18 to work-related benefits for domestic workers,
19 including how to ensure appropriate funding
20 levels, portability across domestic work hiring
21 entities, and effective strategies and processes
22 for outreach and enrollment.

23 (D) The portability of work-related bene-
24 fits for domestic workers and the laws, includ-

1 ing regulations, preventing innovation and im-
2 provement in the portability of such benefits.

3 (E) A comparison of the ability of domestic
4 workers to access, be eligible for, and partici-
5 pate in public and private sector work-related
6 benefits compared to such ability of other work-
7 ers.

8 (F) Recommendations for ways to ensure
9 domestic workers can access public benefits.

10 (G) Recommendations for innovations that
11 would—

12 (i) ensure domestic workers could—

13 (I) access and use benefits, in-
14 cluding the old-age, survivors, and
15 disability insurance program estab-
16 lished under title II of the Social Se-
17 curity Act (42 U.S.C. 401 et seq.),
18 the Medicare program established
19 under title XVIII of the Social Secu-
20 rity Act (42 U.S.C. 1395 et seq.), the
21 Medicaid program established under
22 title XIX of that Act (42 U.S.C. 1396
23 et seq.), unemployment insurance, any
24 benefits provided under the Patient
25 Protection and Affordable Care Act

1 (Public Law 111–148), including the
2 amendments made by that Act, paid
3 family and medical leave, paid sick
4 time, and any additional benefits identified by the Secretary, including such
5 benefits that are portable from job to
6 job; and

8 (II) have contributions for the
9 benefits described in subclause (I)
10 from multiple hiring entities as applicable;
11

12 (ii) provide adequate levels of such
13 benefits for domestic workers; and

14 (iii) enable a domestic worker to have
15 access to such benefits through multiple
16 jobs the worker may have.

17 (b) REPORT.—Not later than 15 months after the
18 date of enactment of this Act, the Secretary shall submit
19 to the President and Congress a report on the study conducted under subsection (a) that includes each of the following:
20
21

22 (1) The findings and conclusions of the study,
23 including its findings and conclusions with respect to
24 the matters described in subsection (a)(2).

1 (2) The recommendations for revising the laws,
2 including regulations, which determine eligibility for
3 public and private work-related benefits to increase
4 access to, portability of, and eligibility for such bene-
5 fits for domestic workers.

6 (3) Other information and recommendations
7 with respect to such benefits for domestic workers as
8 the Secretary considers appropriate.

9 **SEC. 203. WORKFORCE INVESTMENT ACTIVITIES GRANTS**
10 **FOR DOMESTIC WORKERS.**

11 (a) DEFINITIONS.—In this section:

12 (1) SECRETARY.—The term “Secretary” means
13 the Secretary of Labor, after consultation with the
14 Secretary of Education and the Secretary of Health
15 and Human Services.

16 (2) TRAINING SERVICES; WORKFORCE INVEST-
17 MENT ACTIVITIES.—The terms “training services”
18 and “workforce investment activities” have the
19 meanings given the terms in section 3 of the Work-
20 force Innovation and Opportunity Act (29 U.S.C.
21 3102).

22 (b) NATIONAL GRANT PROGRAM FOR DOMESTIC
23 WORKERS.—Every 3 years, the Secretary shall, on a com-
24 petitive basis, make grants to, or enter into contracts with,
25 eligible entities to carry out the activities described in sub-

1 section (d). The Secretary shall make the grants, or enter
2 into the contracts, for periods of 4 years.

3 (c) ELIGIBILITY.—

4 (1) ELIGIBLE ENTITIES.—To be eligible to re-
5 ceive a grant or enter into a contract under this sec-
6 tion, an entity shall be—

7 (A) a nonprofit organization that is de-
8 scribed in paragraph (3), (5), or (6) of section
9 501(c) of the Internal Revenue Code of 1986,
10 and exempt from taxation under section 501(a)
11 of such Code;

12 (B) an organization with a board of direc-
13 tors, at least one-half of the members of which
14 is comprised of—

15 (i) domestic workers; or

16 (ii) representatives of an organization
17 of such workers, which organization is
18 independent from all businesses, organiza-
19 tions, corporations, or individuals that
20 would pursue any financial interest in con-
21 flict with that of the workers;

22 (C) an organization that is independent as
23 described in subparagraph (B); and

1 (D) an organization that has expertise in
2 domestic work and the workforce of domestic
3 workers.

4 (2) PROGRAM PLAN.—

5 (A) IN GENERAL.—To be eligible to receive
6 a grant or enter into a contract under this sec-
7 tion, an entity described in paragraph (1) shall
8 submit to the Secretary of Labor a plan that
9 describes a 4-year strategy for meeting the
10 needs of domestic workers in the area to be
11 served by such entity.

12 (B) CONTENTS.—Such plan shall—

13 (i) describe the domestic worker popu-
14 lation to be served and identify the needs
15 of the population to be served for work-
16 force investment activities and related as-
17 sistance and employment;

18 (ii) identify the manner in which the
19 services to be provided will strengthen the
20 ability of the domestic workers to be served
21 to obtain or retain employment and to im-
22 prove wages or working conditions, includ-
23 ing upgraded employment in the field of
24 domestic work; and

1 (iii) specifically address how the fund-
2 ing provided through the grant or contract
3 for services under this section to domestic
4 workers will improve wages and skills for
5 domestic workers in a way that helps meet
6 the need to recruit workers for and retain
7 workers in in-demand occupations or ca-
8 reers.

9 (3) AWARDS AND ADMINISTRATION.—The
10 grants and contracts shall be awarded by the Sec-
11 retary using full and open competitive procedures
12 and shall be administered by the Secretary.

13 (d) AUTHORIZED ACTIVITIES.—Funds made avail-
14 able under this section shall be used to carry out workforce
15 investment activities and provide related assistance for do-
16 mestic workers, which may include—

17 (1) outreach, employment, training, educational
18 assistance, literacy assistance, English language and
19 literacy instruction, worker safety training, sup-
20 portive services, and school dropout prevention and
21 recovery activities;

22 (2) follow-up services for those individuals
23 placed in employment;

24 (3) development or education as needed by eligi-
25 ble individuals as identified;

1 (4) customized career and technical education
2 in occupations that will lead to higher wages, en-
3 hanced benefits, and long-term employment in do-
4 mestic work or another area; and

5 (5) the creation or maintenance of employment
6 and training-related placement services, including
7 digital placement services.

8 (e) FUNDING ALLOCATION.—From the funds appro-
9 priated and made available to carry out this section, the
10 Secretary shall reserve not more than 1 percent for discre-
11 tionary purposes related to carrying out this section, such
12 as providing technical assistance to eligible entities.

13 (f) ELIGIBLE PROVIDER PERFORMANCE REPORTS.—
14 Each eligible entity shall prepare performance reports to
15 report on outcomes achieved by the programs of workforce
16 investment activities and related assistance carried out
17 under this section. The performance report for an eligible
18 entity shall include, with respect to each such program (re-
19 ferred to in this paragraph as a “program of study”) of
20 such provider—

21 (1) information specifying the levels of perform-
22 ance achieved with respect to the primary indicators
23 of performance described in subclauses (I) through
24 (IV) of section 116(b)(2)(A)(i) of the Workforce In-
25 novation and Opportunity Act (29 U.S.C.

1 3141(b)(2)(A)(i)) with respect to all individuals en-
 2 gaging in the program of study (or the equivalent);

3 (2) the total number of individuals exiting from
 4 the program of study (or the equivalent);

5 (3) the total number of participants who re-
 6 ceived training services through the program;

7 (4) the total number of participants who exited
 8 from training services, disaggregated by the type of
 9 entity that provided the training services, during the
 10 most recent program year and the 3 preceding pro-
 11 gram years;

12 (5) the average cost per participant for the par-
 13 ticipants who received training services,
 14 disaggregated by the type of entity that provided the
 15 training services, during the most recent program
 16 year and the 3 preceding program years; and

17 (6) information on indicators specified by the
 18 Secretary concerning the impact of the training serv-
 19 ices on the wages, skills, recruitment, and retention
 20 of participants.

21 **SEC. 204. REPORT ON CAREER PATHWAYS, TRAINING**
 22 **STANDARDS, AND APPRENTICESHIPS FOR**
 23 **DOMESTIC WORKERS.**

24 (a) DEFINITION.—In this section, the term “Sec-
 25 retary” means the Secretary of Labor, acting after con-

1 sultation with the Secretary of Education and the Sec-
2 retary of Health and Human Services.

3 (b) PREPARATION.—

4 (1) IN GENERAL.—The Secretary shall conduct
5 an interim study and a final study regarding the de-
6 velopment of career pathways, national training
7 standards, and credentials for domestic workers.

8 (2) CONTENTS.—The study required under
9 paragraph (1) shall—

10 (A)(i) examine how the establishment of
11 career pathways, national training standards, or
12 credentials could enable the Nation to meet the
13 growing demand for domestic workers; and

14 (ii) make recommendations on whether
15 and, if so, how that establishment could im-
16 prove wages and working conditions across the
17 domestic worker industry; and

18 (B)(i) examine how the creation or expan-
19 sion of apprenticeship programs for domestic
20 workers, including apprenticeship programs
21 conducted at work sites of domestic workers
22 and apprenticeships that use peer educators
23 and peer mentors for such workers, could im-
24 prove opportunities for such workers; and

1 (ii) make recommendations on whether
 2 and, if so, how, that creation or expansion could
 3 improve wages and working conditions across
 4 the domestic worker industry.

5 (3) CONSULTATION.—The study shall be con-
 6 ducted in consultation with representatives of do-
 7 mestic workers, experts in the field of domestic
 8 work, and domestic worker-led organizations.

9 (c) SUBMISSION OF REPORTS.—

10 (1) INTERIM REPORT.—Not later than 1 year
 11 after the date of the enactment of this Act, the Sec-
 12 retary shall prepare and submit to Congress an in-
 13 terim report containing the findings of the interim
 14 study under subsection (b).

15 (2) FINAL REPORT.—Not later than 18 months
 16 after the date of enactment of this Act, the Sec-
 17 retary shall prepare and submit to Congress a final
 18 report containing the findings of the final study
 19 under subsection (b).

20 **TITLE III—IMPLEMENTATION OF**
 21 **THE DOMESTIC WORKERS**
 22 **BILL OF RIGHTS**

23 **SEC. 301. DEFINITIONS.**

24 In this title:

1 (1) DOMESTIC WORKERS BILL OF RIGHTS.—

2 The term “domestic workers bill of rights”—

3 (A) means the rights and protections pro-
4 vided to domestic workers under this Act, and
5 the amendments made by this Act, including—

6 (i) coverage under the overtime re-
7 quirements of section 7 of the Fair Labor
8 Standards Act of 1938 (29 U.S.C. 207);

9 (ii) the right of live-in domestic em-
10 ployees to certain notices and communica-
11 tions under section 8 of such Act (29
12 U.S.C. 208);

13 (iii) any minimum wage for domestic
14 workers established through a rule issued
15 by the Secretary in accordance with section
16 201(e)(2);

17 (iv) the protection against retaliation
18 under section 15(a)(3) of the Fair Labor
19 Standards Act of 1938 (29 U.S.C.
20 215(a)(3));

21 (v) the applicability of title VII of the
22 Civil Rights Act of 1964 (42 U.S.C. 2000a
23 et seq.) to employers of 1 or more employ-
24 ees;

1 (vi) the labor rights and privacy pro-
2 tections provided to domestic workers
3 under subtitle B of title I, including—

4 (I) the right to a written agree-
5 ment under section 110;

6 (II) the right to earned paid sick
7 time provided under section 111;

8 (III) the fair scheduling practices
9 required under section 112;

10 (IV) the right to request and re-
11 ceive temporary changes to scheduled
12 work hours for certain personal events
13 under section 113;

14 (V) the privacy protections under
15 section 114;

16 (VI) the right to meal and rest
17 breaks in accordance with section 115;

18 (VII) the protection from wage
19 deductions for cash shortages, break-
20 ages, or loss under subsection (a) of
21 section 116 and wage deductions or
22 other penalties for communications
23 described in subsection (b) of such
24 section; and

1 (VIII) the protection against re-
2 taliation under section 117(b); and
3 (vii) the availability of—

4 (I) safety data sheets for house-
5 hold cleaning supplies in accordance
6 with the consumer product safety
7 standard promulgated by the Con-
8 sumer Product Safety Commission
9 under section 7 of the Consumer
10 Product Safety Act (15 U.S.C. 2056)
11 and section 122(a);

12 (II) educational materials from
13 the National Institute for Occupa-
14 tional Safety and Health relating to
15 the health and safety of domestic
16 workers who provide child care or
17 cleaning services under section
18 122(b); and

19 (III) the national domestic work-
20 er hotline supported under section
21 121, including the phone number and
22 other contact methods for the hotline;
23 and

24 (B) includes any rules promulgated by the
25 Secretary under this Act, or the amendments

1 made by this Act, and any standard rec-
2 ommended by the Board that is promulgated as
3 such a rule or otherwise implemented by the
4 Secretary.

5 (2) ELIGIBLE ENTITY.—The term “eligible enti-
6 ty” means—

7 (A) an organization described in paragraph
8 (3), (5), or (6) of section 501(c) of the Internal
9 Revenue Code of 1986 and exempt from tax-
10 ation under section 501(a) of such Code that—

11 (i) has a board of directors, at least
12 one-half of the members of which is com-
13 prised of—

14 (I) domestic workers; or

15 (II) representatives of organiza-
16 tions of such workers, which organiza-
17 tion is independent from all busi-
18 nesses, organizations, corporations, or
19 individuals that would pursue any fi-
20 nancial interest in conflict with that
21 of the workers;

22 (ii) is independent, as described in
23 clause (i)(II);

24 (iii) has expertise in domestic service
25 and the workforce of domestic workers,

1 and has a track record of working with do-
2 mestic workers; and

3 (iv) operates in a jurisdiction with a
4 significant population of domestic workers;
5 or

6 (B) a partnership of organizations de-
7 scribed in subparagraph (A).

8 (3) NOTICE OF DOMESTIC WORKER RIGHTS.—

9 The term “notice of domestic worker rights” means
10 the document created and made available by the
11 Secretary under section 302(a)(1).

12 **SEC. 302. NOTICE OF DOMESTIC WORKER RIGHTS.**

13 (a) PROVIDING NOTICE OF RIGHTS TO DOMESTIC
14 WORKERS.—

15 (1) NOTICE OF RIGHTS.—

16 (A) IN GENERAL.—The Secretary shall
17 create, and make available, a notice of domestic
18 worker rights document that describes the
19 rights and protections provided by the domestic
20 workers bill of rights and any other protections
21 and other rights afforded under Federal law to
22 domestic workers.

23 (B) AVAILABILITY AND ACCESSIBILITY OF
24 NOTICE.—The notice of domestic worker rights
25 shall be—

1 (i) a written document made available
2 online, including through the website de-
3 scribed in subsection (b); and

4 (ii) available in English, Spanish, and
5 other languages understood by domestic
6 workers, which shall be determined by the
7 Secretary and include, at a minimum, the
8 translation languages for the basic infor-
9 mation fact sheet (or any successor docu-
10 ment) produced by the Department of
11 Labor.

12 (C) CONTENTS.—The notice of domestic
13 worker rights shall include—

14 (i) an explanation of the domestic
15 workers bill of rights;

16 (ii) a restatement of other Federal
17 laws that apply to domestic workers, in-
18 cluding—

19 (I) laws relating to wage and
20 hour requirements for domestic work-
21 ers, including minimum wage, over-
22 time, travel time, recordkeeping, and
23 other requirements;

1 (II) laws that provide protections
2 for domestic workers against work-
3 place discrimination and harassment;

4 (III) laws providing health and
5 safety protections applicable to domes-
6 tic workers;

7 (IV) laws that protect domestic
8 workers from retaliation for the exer-
9 cise of workplace rights provided to
10 domestic workers; and

11 (V) laws, including the National
12 Labor Relations Act (29 U.S.C. 151
13 et seq.), providing domestic workers
14 with the right to organize and engage
15 in protected concerted activities; and

16 (iii) at the end of the notice—

17 (I) a statement that domestic
18 workers can access labor organizations
19 to learn about their rights, and do-
20 mestic work hiring entities can access
21 domestic work hiring entity organiza-
22 tions to learn about their rights;

23 (II) a statement that State law
24 may provide stronger employment
25 protections in some instances; and

1 (III) a list of contact information
 2 for national domestic worker labor or-
 3 ganizations and domestic work hiring
 4 entity organizations.

5 (2) GREATER PROTECTIONS.—Nothing in this
 6 subsection shall affect any policies or practices of a
 7 domestic work hiring entity that provides greater,
 8 additional, or more generous wages, benefits, or
 9 working conditions to a domestic worker than re-
 10 quired under this section.

11 (b) ESTABLISHING A DOMESTIC WORKERS RIGHTS
 12 WEBSITE.—Not later than 180 days after the date of en-
 13 actment of this Act, the Secretary shall establish a single
 14 web page on the website of the Department of Labor that
 15 summarizes in plain language the rights of domestic work-
 16 ers under the domestic workers bill of rights.

17 **SEC. 303. INTERAGENCY TASK FORCE ON DOMESTIC WORK-**
 18 **ERS BILL OF RIGHTS ENFORCEMENT.**

19 (a) ESTABLISHMENT.—There is established an Inter-
 20 agency Task Force on Domestic Workers Bill of Rights
 21 Enforcement (referred to in this section as the “Task
 22 Force”).

23 (b) MEMBERS.—The Task Force shall consist of—
 24 (1) representatives of the Department of Labor
 25 selected by the Secretary, including representatives

1 of the Wage and Hour Division, Occupational Safety
2 and Health Administration, and Office of the Solie-
3 itor of Labor;

4 (2) representatives of the Department of Health
5 and Human Services selected by the Secretary of
6 Health and Human Services, including representa-
7 tives of the Centers for Medicare and Medicaid Serv-
8 ices and the Administration for Community Living;
9 and

10 (3) representatives of the Equal Employment
11 Opportunity Commission, selected by the Commis-
12 sion.

13 (c) INITIAL MEETING.—The Task Force shall hold
14 its first meeting by not later than 90 days after the date
15 of enactment of this Act.

16 (d) DUTIES.—

17 (1) RECOMMENDATIONS REGARDING WORK-
18 PLACE CHALLENGES.—Beginning not later than 180
19 days after the date of enactment of this Act, the
20 Task Force shall—

21 (A) examine the issues and challenges fac-
22 ing domestic workers who come forward to en-
23 force their workplace rights;

24 (B) identify challenges agencies enforcing
25 these workplace rights have in reaching domes-

1 tic workers and enforcing, including by con-
2 ducting hearings in each of the regions served
3 by the regional offices of the Wage and Hour
4 Division of the Department of Labor to hear di-
5 rectly from domestic workers, advocates, and
6 officials or employees of such agencies in the re-
7 gional and local areas; and

8 (C) develop a set of recommendations, in-
9 cluding sample legislative language, on the best
10 enforcement strategies to protect the workplace
11 rights of domestic workers, including—

12 (i) how to reach, and enforce the
13 rights of, domestic workers who work in
14 private homes;

15 (ii) ways for Federal agencies to work
16 together or conduct joint enforcement of
17 workplace rights for domestic workers, as
18 domestic workers who experience one type
19 of violation are likely also experiencing
20 other types of violations; and

21 (iii) ways the Task Force can work
22 with State and local enforcement agencies
23 on the enforcement of workplace rights for
24 domestic workers.

1 (2) REPORT.—By not later than 1 year after
2 the date of the first meeting of the Task Force, the
3 Task Force shall prepare and submit a report to
4 Congress regarding the recommendations described
5 in paragraph (1)(C).

6 (3) JOINT ENFORCEMENT.—

7 (A) IN GENERAL.—For a period of not
8 more than 3 years after the date of enactment
9 of this Act, the Task Force shall carry out such
10 actions as the Task Force determines necessary
11 to support joint enforcement by Federal agen-
12 cies of violations of the rights of domestic work-
13 ers.

14 (B) REPORT.—At the end of the 3-year pe-
15 riod described in subparagraph (A), the Task
16 Force shall submit a report to Congress regard-
17 ing the efficacy of joint enforcement.

18 (4) AUDIT OF FEDERAL ENFORCEMENT STRAT-
19 EGIES.—By not later than 3 years after the date of
20 enactment of this Act, and every 3 years thereafter,
21 the Task Force shall—

22 (A) conduct an audit of the Federal en-
23 forcement strategies relating to the rights of
24 domestic workers; and

1 (B) prepare and submit to Congress a re-
 2 port regarding the results of the audit.

3 (5) CONSULTATION REGARDING COMMUNITY-
 4 BASED ENFORCEMENT DEMONSTRATION
 5 PROJECTS.—Upon the request of the Secretary, the
 6 Task Force shall review, and provide recommenda-
 7 tions regarding, the applications for community-
 8 based enforcement grants under section 304.

9 **SEC. 304. NATIONAL GRANT FOR COMMUNITY-BASED EDU-**
 10 **CATION, OUTREACH, AND ENFORCEMENT OF**
 11 **DOMESTIC WORKER RIGHTS.**

12 (a) PROGRAM AUTHORIZED.—

13 (1) IN GENERAL.—From amounts made avail-
 14 able to carry out this section, the Secretary, after
 15 consultation with the Interagency Task Force on
 16 Domestic Workers Bill of Rights Enforcement, shall
 17 award grants to eligible entities to enable the eligible
 18 entities to expand and improve cooperative efforts
 19 between Federal agencies and members of the com-
 20 munity, in order to—

21 (A) enhance the enforcement of the domes-
 22 tic workers bill of rights and other workplace
 23 rights provided to domestic workers under rel-
 24 evant Federal, State, and local laws;

1 (B) educate domestic workers of their
2 rights under the domestic workers bill of rights
3 and other workplace rights under Federal,
4 State, and local laws;

5 (C) educate domestic work hiring entities
6 regarding their responsibilities and obligations
7 under the domestic workers bill of rights and
8 other relevant Federal, State, and local laws;
9 and

10 (D) assist domestic workers in pursuing
11 their workplace rights under the domestic work-
12 ers bill of rights and other relevant Federal,
13 State, or local laws.

14 (2) DURATION OF GRANTS.—Each grant
15 awarded under this section shall be for a period of
16 not more than 3 years.

17 (b) APPLICATIONS.—

18 (1) IN GENERAL.—An eligible entity desiring a
19 grant under this section shall submit an application
20 at such time, in such manner, and containing such
21 information as the Secretary may require.

22 (2) PARTNERSHIP APPLICATIONS.—In the case
23 of an eligible entity that is a partnership, the eligible
24 entity may designate, in the application, a single or-

1 ganization in the partnership as the lead entity for
2 purposes of receiving and disbursing funds.

3 (3) CONTENTS.—An application described in
4 paragraph (1) shall include—

5 (A) a description of a plan for the dem-
6 onstration project that the eligible entity pro-
7 poses to carry out with a grant under this sec-
8 tion, including a long-term strategy and de-
9 tailed implementation plan that reflects ex-
10 pected participation of, and partnership with,
11 community partners; and

12 (B) information on the training and edu-
13 cation that will be provided to domestic workers
14 and domestic work hiring entities under such
15 program.

16 (c) SELECTION.—

17 (1) IN GENERAL.—Subject to paragraph (2),
18 the Secretary shall award grants under this section
19 on a competitive basis.

20 (2) DISTRIBUTION THROUGH REGIONS.—In
21 awarding grants under this section, the Secretary
22 shall ensure that a grant is awarded to an eligible
23 entity in each region represented by a regional office
24 of the Wage and Hour Division of the Department
25 of Labor, to the extent practicable based on the

1 availability of appropriations and the applications
2 submitted.

3 (d) USE OF FUNDS.—An eligible entity receiving a
4 grant under this section shall use grant funds to develop
5 a community partnership and establish and support,
6 through the partnership, 1 or more of the following activi-
7 ties:

8 (1) Disseminating information and conducting
9 outreach and training to educate domestic workers
10 about the rights and protections provided under the
11 domestic workers bill of rights.

12 (2) Conducting educational training for domes-
13 tic work hiring entities about their obligations under
14 the domestic workers bill of rights.

15 (3) Conducting orientations and training jointly
16 with relevant Federal agencies, including the Inter-
17 agency Task Force established under section 303,
18 regarding the rights and protections provided under
19 the domestic workers bill of rights.

20 (4) Providing mediation services between pri-
21 vate-pay employers and workers.

22 (5) Providing assistance to domestic workers in
23 filing claims relating to violations of the domestic
24 workers bill of rights, either administratively or in
25 court.

1 (6) Monitoring compliance by domestic work
2 hiring entities with the domestic workers bill of
3 rights.

4 (7) Establishing networks for education, com-
5 munication, and participation in the community re-
6 lating to the domestic workers bill of rights.

7 (8) Evaluating the effectiveness of programs de-
8 signed to prevent violations of the domestic workers
9 bill of rights and enforce the domestic workers bill
10 of rights.

11 (9) Recruiting and hiring staff and volunteers
12 for the activities described in this subsection.

13 (10) Producing and disseminating outreach and
14 training materials.

15 (11) Any other activity as the Secretary may
16 reasonably prescribe through notice and comment
17 rulemaking.

18 (e) MEMORANDA OF UNDERSTANDING.—

19 (1) IN GENERAL.—Not later than 60 days after
20 receiving a grant under this section, an eligible enti-
21 ty shall negotiate and finalize with the Secretary a
22 memorandum of understanding that sets forth spe-
23 cific goals, objectives, strategies, and activities that
24 will be carried out under the grant by the eligible
25 entity through a community partnership.

1 (2) SIGNATURES.—A representative of the eligi-
 2 ble entity receiving a grant (or, in the case of an eli-
 3 gible entity that is a partnership, a representative of
 4 each organization in the partnership) and the Sec-
 5 retary shall sign the memorandum of understanding
 6 under this subsection.

7 (3) REVISIONS.—A memorandum of under-
 8 standing under this subsection shall be reviewed and
 9 revised by the eligible entity and the Secretary each
 10 year for the duration of the grant.

11 (f) AUTHORIZATION OF APPROPRIATIONS.—There
 12 are authorized to be appropriated such sums as may be
 13 necessary to carry out this section.

14 **SEC. 305. ENCOURAGING THE USE OF FISCAL INTER-**
 15 **MEDIARIES.**

16 The Secretary of Labor is required within the first
 17 year to issue a rule to facilitate the use of fiscal inter-
 18 mediaries that enable payments between domestic workers
 19 and domestic work hiring entities, to improve trans-
 20 parency, enforcement, and working conditions of domestic
 21 workers.

22 **SEC. 306. J-1 VISA PROGRAM.**

23 (a) RULE OF CONSTRUCTION.—Nothing in this Act
 24 or the amendments made by this Act shall be construed
 25 to limit the authority of the Secretary of Labor or the

1 States to enforce labor laws, or promulgate regulations,
2 with respect to work performed by an individual who is—

3 (1) participating in an exchange visitor pro-
4 gram described in section 62.31 of title 22, Code of
5 Federal Regulations (or a successor regulation); and

6 (2) present in the United States pursuant to a
7 visa issued under section 101(a)(15)(J) of the Immi-
8 gration and Nationality Act (8 U.S.C.
9 1101(a)(15)(J)).

10 (b) NOTIFICATION OF RIGHTS.—

11 (1) IN GENERAL.—Not later than 180 days
12 after the date of enactment of this Act, the Sec-
13 retary of State and any sponsor designated under
14 subsection (b) of section 62.31 of title 22, Code of
15 Federal Regulations (or a successor regulation), to
16 carry out an au pair program shall—

17 (A) notify each au pair participating in the
18 program of his or her rights under the Fair
19 Labor Standards Act of 1938 (29 U.S.C. 201
20 et seq.); and

21 (B) provide to each such au pair—

22 (i) a description of the services pro-
23 vided by the Wage and Hour Division of
24 the Department of Labor; and

1 (ii) information with respect to the
2 manner in which the au pair may contact
3 the Department of Labor to request assist-
4 ance.

5 (2) APPLICABILITY OF DOMESTIC WORKER RE-
6 QUIREMENTS.—The notice requirement under para-
7 graph (1) shall be in addition to all other protections
8 or notices that apply to a domestic worker who is
9 also an individual participating in an au pair pro-
10 gram.

11 **SEC. 307. APPLICATION TO DOMESTIC WORKERS WHO PRO-**
12 **VIDE MEDICAID-FUNDED SERVICES.**

13 (a) REGULATIONS TO APPLY DOMESTIC WORKER
14 PROTECTIONS AND RIGHTS.—Not later than 1 year after
15 the date of enactment of this Act, the Secretary and the
16 Secretary of Health and Human Services jointly shall de-
17 velop and issue the following regulations:

18 (1) Regulations regarding the application of the
19 protections and rights afforded to domestic workers
20 including personal or home care aides who provide
21 services described in subsection (b) that are funded
22 under the State plan under title XIX of the Social
23 Security Act (42 U.S.C. 1396 et seq.) or under a
24 waiver of such plan including through a contract or
25 other arrangement with a managed care entity (as

1 defined in section 1932(a)(1)(B) of the Social Secu-
2 rity Act (42 U.S.C. 1396u-2(a)(1)(B))), to individ-
3 uals enrolled in such plan or waiver. The regulations
4 issued under this paragraph shall recognize the role
5 of self-directed care for individuals with disabilities
6 and shall—

7 (A) protect, stabilize, and expand the do-
8 mestic worker and personal or home care aide
9 workforce;

10 (B) recognize the role of self-directed care
11 for individuals with disabilities;

12 (C) prohibit States from requiring individ-
13 uals with disabilities who self-direct their care
14 to use their direct service budget to pay for
15 costs resulting from the application of such pro-
16 tections and rights to domestic workers (such
17 as paid sick time, penalties, or overtime pay)
18 except to the extent that such costs are directly
19 related to the provision of services described in
20 subsection (b) to such individuals; and

21 (D) facilitate Federal and State compli-
22 ance with section 504 of the Rehabilitation Act
23 of 1973 (29 U.S.C. 794), the Americans with
24 Disabilities Act of 1990 (42 U.S.C. 12101 et
25 seq.), and the holdings of the Supreme Court in

1 Olmstead v. L.C., 527 U.S. 581 (1999), and
2 companion cases.

3 (2) Regulations regarding—

4 (A) mechanisms for States to use to pay
5 for the costs described in paragraph (1)(C), in-
6 cluding, to the extent the Secretaries determine
7 appropriate, through the establishment of a
8 dedicated State fund, using funds appropriated
9 to a State agency, and using fiscal inter-
10 mediaries; and

11 (B) how States may use funds provided as
12 a result of the increased Federal medical assist-
13 ance percentage for services provided by domes-
14 tic workers under section 1905(ff) of such Act
15 (42 U.S.C. 196d(ff)) (as added by section 401)
16 for such costs.

17 (b) SERVICES DESCRIBED.—The services described
18 in this subsection are the following:

19 (1) Home or community-based services provided
20 under a waiver approved under subsection (c) or (d)
21 of section 1915 of the Social Security Act (42
22 U.S.C. 1396n).

23 (2) Home and community-based services pro-
24 vided under a State plan amendment under section
25 1915(i) of such Act (42 U.S.C. 1396n(i)).

1 (3) Self-directed personal assistance services
2 provided under section 1915(j) of such Act (42
3 U.S.C. 1396n(j)).

4 (4) Home and community-based attendant serv-
5 ices and supports provided under section 1915(k) of
6 such Act (42 U.S.C. 1396n(k)).

7 (5) Home health care services provided under
8 section 1905(a)(7) of such Act (42 U.S.C.
9 1396d(a)(7)).

10 (6) Rehabilitative services provided under sec-
11 tion 1905(a)(13) of such Act (42 U.S.C.
12 1396d(a)(13)).

13 (7) Personal care services provided under sec-
14 tion 1905(a)(24) of such Act (42 U.S.C.
15 1396d(a)(24)).

16 (8) Home and community care for functionally
17 disabled elderly individuals under section 1929 of
18 such Act (42 U.S.C. 1396t).

19 (9) Community supported living arrangements
20 services under section 1930 of such Act (42 U.S.C.
21 1396u).

22 (10) Any services described in this subsection
23 provided under a PACE program agreement in ac-
24 cordance with section 1934 of such Act (42 U.S.C.
25 1396u-4).

1 (11) Any services described in this subsection
2 provided under a waiver approved under section
3 1115 of the Social Security Act (42 U.S.C. 1315).

4 (12) Any other services provided by a domestic
5 worker who is a personal or home care aide that are
6 funded under a State plan under title XIX of such
7 Act or under a waiver of such plan, as the Secretary
8 and the Secretary of Health and Human Services
9 may determine.

10 **SEC. 308. DELAYED ENFORCEMENT FOR GOVERNMENT-**
11 **FUNDED PROGRAMS.**

12 (a) IN GENERAL.—Notwithstanding any other provi-
13 sion of this Act, the Secretary shall delay all enforcement
14 relating to the provisions of this Act, or the amendments
15 made by this Act, with respect to a Federal, State, or local
16 governmental agency, or an entity operating under a
17 grant, contract, or other agreement for such agency until
18 the day that is 2 years after the date of enactment of this
19 Act.

20 (b) EXTENSION OPTION.—The Secretary may extend
21 the 2-year delay period in enforcement under subsection
22 (a) with respect to a Federal, State, or local governmental
23 agency, or an entity operating under a grant, contract,
24 or other agreement for such agency for an additional 1-
25 year period, if, through a process established by the Sec-

1 retary, the Secretary determines the delay appropriate. In
 2 applying the preceding sentence, a delay in issuing the
 3 regulations required under section 307 shall be deemed a
 4 reason to extend the delayed enforcement period.

5 (c) DELAY OF ENFORCEMENT THROUGH CIVIL AC-
 6 TIONS BY DOMESTIC WORKERS PROVIDING SERVICES
 7 FUNDED UNDER MEDICAID.—No action may be brought
 8 under section 118(a)(3) against a domestic work hiring
 9 entity that receives payment under a State Medicaid plan
 10 or waiver under title XIX of the Social Security Act for
 11 providing any services described in section 307(b), until
 12 on or after the date that is 2 years after the date of enact-
 13 ment of this Act.

14 **TITLE IV—FUNDING**

15 **SEC. 401. TEMPORARY INCREASE IN THE FEDERAL MED-**
 16 **ICAL ASSISTANCE PERCENTAGE FOR MED-**
 17 **ICAID-FUNDED SERVICES PROVIDED BY DO-**
 18 **MESTIC WORKERS.**

19 (a) IN GENERAL.—Section 1905 of the Social Secu-
 20 rity Act (42 U.S.C. 1396d) is amended—

21 (1) in subsection (b), by striking “and (aa)”
 22 and inserting “(aa), and (ff)”; and

23 (2) by adding at the end the following new sub-
 24 section:

1 “(ff) INCREASED FMAP FOR MEDICAL ASSISTANCE
2 FOR SERVICES PROVIDED BY DOMESTIC WORKERS.—

3 “(1) IN GENERAL.—Notwithstanding subsection
4 (b), with respect to amounts expended by a State for
5 medical assistance described in paragraph (2) that is
6 provided by a personal or home care aide during a
7 quarter within the twenty-quarter period beginning
8 with the first quarter that begins after the date of
9 enactment of this subsection, the Federal medical
10 assistance percentage for the State and the quarter
11 that applies to such expenditures shall be increased
12 by 4 percentage points (not to exceed 100 percent).

13 “(2) MEDICAL ASSISTANCE DESCRIBED.—The
14 medical assistance described in this paragraph is the
15 following:

16 “(A) Home or community-based services
17 provided under a waiver approved under sub-
18 section (c) or (d) of section 1915.

19 “(B) Home and community-based services
20 provided under a State plan amendment under
21 section 1915(i).

22 “(C) Self-directed personal assistance serv-
23 ices provided under section 1915(j).

1 “(D) Home and community-based attend-
2 ant services and supports provided under sec-
3 tion 1915(k).

4 “(E) Home health care services provided
5 under subsection (a)(7).

6 “(F) Rehabilitative services provided under
7 subsection (a)(13).

8 “(G) Personal care services provided under
9 subsection (a)(24) of such Act.

10 “(H) Home and community care for func-
11 tionally disabled elderly individuals under sec-
12 tion 1929.

13 “(I) Community supported living arrange-
14 ments services under section 1930.

15 “(J) Any services described in this para-
16 graph that are provided under a PACE pro-
17 gram agreement in accordance with section
18 1934.

19 “(K) Any services described in this para-
20 graph that are provided under a waiver ap-
21 proved under section 1115.

22 “(L) Such other services provided by a
23 personal or home care aide that are funded
24 under the State plan or under a waiver of such
25 plan, as the Secretary may determine.

1 “(3) PERSONAL OR HOME CARE AIDE DE-
 2 FINED.—In this subsection, the term ‘personal or
 3 home care aide’ has the meaning given that term in
 4 section 2008(b)(6)(C) and includes any individual
 5 who provides medical assistance described in para-
 6 graph (2) for compensation.”.

7 (b) APPLICATION TO CHIP.—Section 2105(a) of the
 8 Social Security Act (42 U.S.C. 1397ee(a)) is amended by
 9 adding at the end the following new paragraph:

10 “(5) CHILD HEALTH ASSISTANCE PROVIDED BY
 11 DOMESTIC WORKERS.—

12 “(A) IN GENERAL.—Notwithstanding para-
 13 graph (1) and subsection (b), the Secretary
 14 shall pay to each State with a plan approved
 15 under this title, from its allotment under sec-
 16 tion 2104, an amount, for each quarter within
 17 the twenty-quarter period beginning with the
 18 first quarter that begins after the date of enact-
 19 ment of this paragraph, equal to the enhanced
 20 FMAP, increased by 4 percentage points (not
 21 to exceed 100 percent) of expenditures in the
 22 quarter for child health assistance and preg-
 23 nancy-related assistance described in subpara-
 24 graph (B) that are provided under the plan for

1 targeted low-income children and targeted low-
2 income women.

3 “(B) CHILD HEALTH ASSISTANCE AND
4 PREGNANCY-RELATED ASSISTANCE DE-
5 SCRIBED.—The child health assistance and
6 pregnancy-related assistance described in this
7 subparagraph are the following:

8 “(i) Home and community-based
9 health care services and related supportive
10 services under paragraph (14) of section
11 2110 (other than training for family mem-
12 bers, and minor modifications to the
13 home).

14 “(ii) Rehabilitative services under
15 paragraph (24) of section 2110.”.

16 **SEC. 402. PROCESS FOR DETERMINING AN INCREASED**
17 **FMAP TO ENSURE A ROBUST HOMECARE**
18 **WORKFORCE UNDER MEDICAID.**

19 (a) DATA COLLECTION.—The Secretary of Health
20 and Human Services, acting through the Assistant Sec-
21 retary for Planning and Evaluation (referred to in this
22 section as “ASPE”), shall enter into arrangements with
23 States to collect State Medicaid program data on the per-
24 sonal or home care aide workforce. The data collected
25 under such arrangements shall include the following:

1 (1) Rates of retention and turnover of personal
2 or home care aides by program type and State.

3 (2) Causes of such turnover.

4 (3) Numbers and types of personal or home
5 care aides impacted by this Act and the amendments
6 made by this Act, including, but not limited to, with
7 respect to—

8 (A) personal or home care aides providing
9 services to individuals who are enrolled in a
10 State Medicaid program, including, in the case
11 of individuals enrolled under a waiver of such
12 program, the types of waivers involved; and

13 (B) personal or home care aides providing
14 services to individuals who are not enrolled in
15 a State Medicaid program.

16 (4) Wages earned by personal or home care
17 aides in each State.

18 (5) Variations in wages across types of employ-
19 ers of personal or home care aides.

20 (6) Any other such data as ASPE determines
21 relevant to studying how to improve the recruitment
22 and retention of the personal or home care aide
23 workforce.

24 (b) PROPOSED FMAP INCREASE.—

1 (1) IN GENERAL.—Based on the data collected
2 under arrangements entered into under subsection
3 (a), ASPE shall determine a proposed increased
4 FMAP for amounts expended by a State for medical
5 assistance described in section 1905(ff)(2) of the So-
6 cial Security Act (42 U.S.C. 1396d(ff)(2)) (as added
7 by section 401) under the State Medicaid program
8 that is provided by a personal or home care aide.

9 (2) REQUIREMENTS.—The proposed increased
10 FMAP shall be designed to do the following:

11 (A) Provide adequate reimbursement under
12 State Medicaid programs for increased costs for
13 Federal, State, and local changes in wages and
14 benefits for personal or home care aides as a
15 result of this Act and the amendments made by
16 this Act.

17 (B) Improve the rates of retention and re-
18 cruitment of personal or home care aides who
19 provide medically necessary services.

20 (C) Ensure the independence and integra-
21 tion of individuals with disabilities who rely on
22 personal or home care aides.

23 (3) CONSULTATION.—In determining such pro-
24 posed increased FMAP, ASPE shall consult with the
25 Domestic Worker Wage and Standards Board and

1 shall provide that Board with the opportunity to
2 make formal written comments on ASPE's final pro-
3 posed increased FMAP before the report required
4 under subsection (c) is submitted to Congress.

5 (c) REPORT.—

6 (1) DEADLINE.—Not later than 1 year after
7 the date of enactment of this Act, ASPE shall sub-
8 mit a report to Congress that includes the following:

9 (A) The proposed increased FMAP deter-
10 mined by ASPE.

11 (B) An explanation of the benefits of using
12 the proposed increased FMAP calculation for—

13 (i) the personal or home care aide
14 workforce; and

15 (ii) elderly individuals and individuals
16 with disabilities who are provided medical
17 assistance described in section 1905(ff)(2)
18 of the Social Security Act (42 U.S.C.
19 1396d(ff)(2)) (as added by section 401) by
20 a personal or home care aide, as well as to
21 family caregivers.

22 (C) The written comments, if any, sub-
23 mitted by the Domestic Worker Wage and
24 Standards Board to ASPE prior to the submis-
25 sion of the report.

1 (D) Suggestions for how States and the
 2 Federal Government can improve the process of
 3 obtaining timely, uniform data under State
 4 Medicaid programs regarding the personal or
 5 home care aide workforce.

6 (2) OPTIONAL ADDENDUM.—Not later than 90
 7 days after the report required under paragraph (1)
 8 is submitted to Congress, the Domestic Worker
 9 Wage and Standards Board may submit an adden-
 10 dum to the report to Congress that contains the
 11 Board’s views regarding the proposed increased
 12 FMAP and report submitted by ASPE.

13 (d) DEFINITIONS.—In this section:

14 (1) PERSONAL OR HOME CARE AIDE.—The
 15 term “personal or home care aide” has the meaning
 16 given that term in section 1905(ff)(3) of the Social
 17 Security Act (42 U.S.C. 1396d(ff)(3)).

18 (2) FMAP.—The term “FMAP” means the
 19 Federal medical assistance percentage, as defined in
 20 section 1905(b) of the Social Security Act (42
 21 U.S.C. 1396d(b)), as determined without regard to
 22 this section.

23 (3) STATE.—The term “State” has the mean-
 24 ing given that term in section 1101 of the Social Se-

1 security Act (42 U.S.C. 1301) for purposes of title
2 XIX of that Act.

3 (4) STATE MEDICAID PROGRAM.—The term
4 “State Medicaid program” means, with respect to a
5 State, the program for medical assistance carried
6 out by a State under a State plan under title XIX
7 of the Social Security Act (42 U.S.C. 1396 et seq.)
8 and any waiver of that plan.

9 **SEC. 403. AUTHORIZATION OF APPROPRIATIONS.**

10 There are authorized to be appropriated to carry out
11 this Act, and the amendments made by this Act, such
12 sums as may be necessary.

○