

117TH CONGRESS
1ST SESSION

H. R. 4826

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

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2021

Ms. JAYAPAL (for herself, Ms. ADAMS, Ms. BARRAGÁN, Ms. BASS, Mrs. BEATTY, Mr. BEYER, Mr. BLUMENAUER, Ms. BLUNT ROCHESTER, Ms. BONAMICI, Mr. BOWMAN, Ms. BROWNLEY, Ms. BUSH, Mr. CÁRDENAS, Mr. CARSON, Mr. CASTRO of Texas, Ms. CHU, Mr. CICILLINE, Ms. CLARK of Massachusetts, Ms. CLARKE of New York, Mr. CLEAVER, Mr. COHEN, Mr. CORREA, Mr. DANNY K. DAVIS of Illinois, Ms. DEAN, Mr. DEFazio, Ms. DELAURO, Ms. DELBENE, Mrs. DEMINGS, Mr. DESAULNIER, Mrs. DINGELL, Mr. MICHAEL F. DOYLE of Pennsylvania, Ms. ESCOBAR, Mr. ESPAILLAT, Mr. EVANS, Ms. LOIS FRANKEL of Florida, Mr. GARAMENDI, Mr. GARCÍA of Illinois, Ms. GARCIA of Texas, Mr. GOMEZ, Mr. GREEN of Texas, Mr. GRIJALVA, Mrs. HAYES, Mr. HUFFMAN, Ms. JACKSON LEE, Ms. JACOBS of California, Mr. JEFFRIES, Mr. JONES, Mr. KAHELE, Ms. KELLY of Illinois, Mr. KHANNA, Mr. KIM of New Jersey, Ms. LEE of California, Ms. LEGER FERNANDEZ, Mr. LEVIN of Michigan, Mr. LIEU, Mr. LOWENTHAL, Mrs. CAROLYN B. MALONEY of New York, Ms. MATSUI, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MEEKS, Ms. MENG, Mr. MFUME, Ms. MOORE of Wisconsin, Mr. MRVAN, Mr. NADLER, Mrs. NAPOLITANO, Ms. NEWMAN, Ms. NORTON, Ms. OCASIO-CORTEZ, Ms. OMAR, Mr. PAYNE, Ms. PINGREE, Mr. POCAN, Ms. PRESSLEY, Mr. RASKIN, Ms. ROYBAL-ALLARD, Ms. SCANLON, Ms. SCHAKOWSKY, Ms. SLOTKIN, Mr. SMITH of Washington, Ms. SPEIER, Ms. STANSBURY, Mr. SUOZZI, Mr. SWALWELL, Mr. TAKANO, Mr. THOMPSON of Mississippi, Ms. TLAIB, Mr. TORRES of New York, Mrs. TRAHAN, Mr. VARGAS, Ms. VELÁZQUEZ, Ms. WATERS, Mrs. WATSON COLEMAN, Ms. WILD, Ms. WILLIAMS of Georgia, Ms. WILSON of Florida, Mr. YARMUTH, Mr. BUTTERFIELD, Mr. KILMER, Ms. SÁNCHEZ, Ms. JOHNSON of Texas, Mr. JOHNSON of Georgia, Mr. NEGUSE, Mr. CARTER of Louisiana, Mr. SOTO, Ms. WASSERMAN SCHULTZ, Mr. BRENDAN F. BOYLE of Pennsylvania, and Mr. LARSON of Connecticut) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committees on the Judiciary, House Administration, Oversight and Reform, Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker,

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

3 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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.

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.

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. 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—STANDARDS BOARD, BENEFITS, AND WORKFORCE INVESTMENT

- Sec. 201. Domestic worker 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.

TITLE V—SEVERABILITY

- Sec. 501. Severability.

1 SEC. 2. FINDINGS.

2 Congress finds the following:

- 3 (1) There are an estimated 2,200,000 domestic
- 4 workers across the United States working in private

1 homes to provide home and personal care, child care,
2 and house-cleaning services.

3 (2) Domestic work is a job-enabling job that
4 makes all other work possible. It is labor that cannot
5 be outsourced to individuals abroad, nor is it close
6 to being automated. Without the millions of domes-
7 tic workers caring for children, seniors, and people
8 with disabilities, and cleaning homes, much of the
9 economy would come to a standstill.

10 (3) During the COVID–19 pandemic, domestic
11 work and other low-wage service jobs, disproportion-
12 ately held by women, women of color, and immi-
13 grants, have been deemed essential. This crisis has
14 shown how essential these jobs have always been to
15 our economy. At great risk to the health of them-
16 selves and their families, domestic workers have
17 worked on the frontlines of the pandemic to provide
18 care to those more vulnerable to COVID–19, seniors,
19 and individuals with disabilities, and have provided
20 child care for the children of essential workers. A
21 study of Black immigrant domestic workers con-
22 ducted by the Institute for Policy Studies and the
23 National Domestic Workers Alliance in May and
24 June of 2020 found that 25 percent of workers sur-
25 veyed experienced or lived with someone who has ex-

1 perienced COVID–19 symptoms. 73 percent of such
2 workers surveyed indicated that they did not re-
3 ceived personal protective equipment (“PPE”) from
4 their employers.

5 (4) Domestic workers experienced a rapid and
6 sustained loss of jobs during the COVID–19 pan-
7 demic, which exacerbated the existing financial inse-
8 curity experienced by many domestic workers. Sur-
9 veys from the National Domestic Workers Alliance
10 and NDWA Labs between March and September
11 2020 found that for 6 consecutive months more than
12 half of domestic workers surveyed were unable to
13 pay their rent or mortgage. Nearly $\frac{3}{4}$ of workers
14 surveyed did not receive any compensation when
15 their jobs were canceled.

16 (5) The employment of individuals in domestic
17 service in households affects commerce, as described
18 in section 2(a) of the Fair Labor Standards Act of
19 1938 (29 U.S.C. 202(a)).

20 (6) Domestic workers are hired or contacted for
21 work by phone, mail, or internet, or through news-
22 paper ads, and travel to work through transpor-
23 tation on interstate highways, interstate transit, or
24 vehicles in interstate commerce.

1 (7) In 2019, the Bureau of Labor Statistics
2 predicted that between 2019 and 2029—

3 (A) the number of new jobs for home
4 health and personal care aides will increase by
5 34 percent, which is an increase of 1,159,500
6 jobs and the largest increase in new jobs of any
7 occupational category during such period; and

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

11 (8) The COVID–19 pandemic has increased the
12 demand for in-home child care. According to the
13 Center for Translational Neuroscience, the percent-
14 age of parents reporting use of home-based child
15 care has grown since the onset of the pandemic from
16 27 percent to 31 percent.

17 (9) An increasing number of workers, including
18 domestic workers, are finding work on online plat-
19 forms. An analysis from the JPMorgan Chase Insti-
20 tute found that between 2013 and 2018, the per-
21 centage of adults that had earned income from on-
22 line platforms increased from 0.3 percent to 1.5 per-
23 cent.

24 (10) 9 out of 10 domestic workers are women,
25 and such women are disproportionately people of

1 color and immigrants. Women, people of color, and
2 immigrants have historically faced barriers to em-
3 ployment and economic advancement. According to
4 the Economic Policy Institute, domestic workers also
5 tend to be older than other workers. 2 in 5 domestic
6 workers are age 50 or older, while just $\frac{1}{3}$ of all
7 other workers are at least 50 years old.

8 (11) Domestic workers are paid low wages, can
9 be subjected to workplace health and safety hazards,
10 and face difficulties saving for retirement. An Eco-
11 nomic Policy Institute analysis of data from the
12 Current Population Survey indicates that the aver-
13 age wage for a domestic worker is approximately
14 \$12 per hour or \$15,980 per year if working full-
15 time. In practice, the average wage for a domestic
16 worker is less than such approximation given that
17 domestic work has largely been negotiated in the in-
18 formal labor market.

19 (12) Low-wage workers, including domestic
20 workers, experience high rates of minimum wage
21 and overtime violations, violations of laws related to
22 workers' compensation and other workplace benefits,
23 and illegal retaliation. A 2017 study from the Eco-
24 nomic Policy Institute found that 2,400,000 work-
25 ers—17 percent of the low-wage workforce—experi-

ences wage theft. A 2009 report from the National Employment Law Project found that employment in private homes was one of the 3 industries with the highest rates of employment and labor law violations.

(13) A landmark study of domestic workers published in 2012 by the National Domestic Workers Alliance and the Center for Urban Economic Development of the University of Illinois at Chicago Data Center titled “Home Economics: The Invisible and Unregulated World of Domestic Work” indicated poor working conditions across the domestic workers industry. The findings of such study included that—

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

(B) 35 percent of domestic workers interviewed reported that they worked long hours without breaks in the year immediately preceding the interview;

(C) 25 percent of live-in domestic workers had responsibilities that prevented them from getting at least 5 hours of uninterrupted sleep

1 at night during the week immediately preceding
2 the interview; and

3 (D) 91 percent of domestic workers inter-
4 viewed who encountered problems with their
5 working conditions in the year immediately pre-
6 ceding the interview did not complain about
7 their working conditions because they were
8 afraid they would lose their job.

9 (14) The study described in paragraph (13)
10 found that domestic workers have little access to
11 federally supported employment benefits. For in-
12 stance—

13 (A) less than 2 percent of such workers re-
14 ceive retirement or pension benefits, and less
15 than 9 percent of such workers work for em-
16 ployers that collect payroll taxes on wages paid
17 to such workers to provide eligibility for Social
18 Security benefits; and

19 (B) 65 percent of such workers do not
20 have health insurance, and only 4 percent of
21 such workers receive employer-provided insur-
22 ance, despite the fact that domestic work is
23 hazardous and often results in illness or phys-
24 ical injuries.

1 (15) Compounding these challenges is the fact
2 that many domestic workers have been, and in many
3 cases continue to be, excluded from key provisions of
4 labor and employment laws like the Occupational
5 Health and Safety Act of 1970 (29 U.S.C. 651 et
6 seq.), and the National Labor Relations Act (29
7 U.S.C. 151 et seq.). Live-in domestic workers em-
8 ployed by private households remain excluded from
9 the overtime protections in the Fair Labor Stand-
10 ards Act of 1938 (29 U.S.C. 201 et seq.). Minimum
11 employee threshold rules, misclassification of domes-
12 tic workers as independent contractors, and exclu-
13 sion of independent contractors from coverage mean
14 that most domestic workers are also de facto ex-
15 cluded from Federal civil rights protections, includ-
16 ing protections under title VII of the Civil Rights
17 Act of 1964 (29 U.S.C. 2000e et seq.) and other
18 laws.

19 (16) The International Labour Organization’s
20 Domestic Workers Convention, adopted in 2011,
21 calls for domestic workers to have the right to free-
22 dom of association and collective actions, protections
23 against harassment, privacy rights, and the right to
24 be informed of conditions of employment. This Con-
25 vention also calls for the right of domestic workers

1 to keep their travel documents, the right to overtime
2 compensation and rest breaks, the right to minimum
3 wage coverage, the right to occupational safety and
4 health protections, and mechanisms to pursue com-
5 plaints and ensure compliance with the law.

6 (17) The unique nature of their work, in pri-
7 vate homes with individuals and families, also often
8 makes it difficult for domestic workers to use Fed-
9 eral programs and policies to improve their skills
10 and training and to join together collectively to ne-
11 gotiate better pay and working conditions.

12 (18) Many domestic workers are also vulnerable
13 to discrimination and sexual harassment. These
14 issues are further exacerbated by the unique working
15 conditions faced by domestic workers, such as isola-
16 tion, poverty, immigration status, the lack of famili-
17 arity with the law and legal processes, limited net-
18 works for support, language barriers, and fear of re-
19 taliation and deportation.

20 (19) Millions of older individuals, individuals
21 with disabilities, and families are increasingly relying
22 on domestic workers. By bringing domestic work out
23 of the shadows and creating incentives and invest-
24 ments that help raise wages and standards for do-
25 mestic workers, the Federal Government can lift mil-

1 lions of the most vulnerable workers out of poverty,
2 reduce turnover due to poor working conditions,
3 thereby enhancing quality of care, and support the
4 millions of working and retired people of the United
5 States who rely on them.

6 **SEC. 3. DEFINITIONS.**

7 (a) FAIR LABOR STANDARDS ACT DEFINITIONS.—

8 In this Act—

9 (1) the terms “commerce”, “employ”, “em-
10 ployee”, “employer”, “enterprise”, “enterprise en-
11 gaged in commerce or in the production of goods for
12 commerce”, “goods”, “person”, and “State” have
13 the meanings given such terms in section 3 of the
14 Fair Labor Standards Act of 1938 (29 U.S.C. 203);
15 and

16 (2) the term “regular rate” has the meaning
17 given such term in section 7(e) of such Act (29
18 U.S.C. 207(e)).

19 (b) OTHER DEFINITIONS.—In this Act:

20 (1) CAREER PATHWAY.—The term “career
21 pathway” has the meaning given such term in sec-
22 tion 3 of the Workforce Innovation and Opportunity
23 Act (29 U.S.C. 3102).

24 (2) CHILD.—The term “child”—

1 (A) means an individual who is under 18
2 years of age; and

3 (B) includes an individual described in
4 subparagraph (A) who is—

5 (i) a biological, foster, or adopted
6 child;

7 (ii) a stepchild;

8 (iii) a child of a domestic partner;

9 (iv) a legal ward; or

10 (v) a child of a person standing in
11 loco parentis.

12 (3) DISABILITY.—The term “disability” has the
13 meaning given the term in section 3 of the Ameri-
14 cans with Disabilities Act of 1990 (42 U.S.C.
15 12102).

16 (4) DOMESTIC PARTNER.—

17 (A) IN GENERAL.—The term “domestic
18 partner”, with respect to an individual, means
19 another individual with whom the individual is
20 in a committed relationship.

21 (B) COMMITTED RELATIONSHIP DE-
22 FINED.—The term “committed relationship”
23 for purposes of subparagraph (A)—

24 (i) means a relationship between 2 in-
25 dividuals, each at least 18 years of age, in

1 which both individuals share responsibility
2 for a significant measure of each other's
3 common welfare; and

4 (ii) includes any such relationship be-
5 tween 2 individuals, including individuals
6 of the same sex, that is granted legal rec-
7 ognition by a State or political subdivision
8 of a State as a marriage or analogous rela-
9 tionship, including a civil union or domes-
10 tic partnership.

11 (5) DOMESTIC SERVICES.—The term “domestic
12 services”—

13 (A) means services—

14 (i) of a household nature;

15 (ii) provided in interstate commerce;

16 and

17 (iii) performed by an individual in or
18 about a private home (permanent or tem-
19 porary); and

20 (B) includes services performed by individ-
21 uals such as companions, babysitters, cooks,
22 waiters, butlers, valets, maids, housekeepers,
23 nannies, nurses, janitors, laundresses, care-
24 takers, handymen, gardeners, home health

1 aides, personal care aides or assistants, and
2 chauffeurs of automobiles for family use.

3 (6) DOMESTIC WORKER.—The term “domestic
4 worker”—

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

9 (B) does not include—

10 (i) an individual who is a family mem-
11 ber, friend, neighbor, or parent of a child
12 and who provides child care for the child in
13 the child’s home;

14 (ii) any individual who is—

15 (I) an employee of a family child
16 care provider; or

17 (II) a family child care provider;
18 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 (7) 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 (8) 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 (9) MEDICAID HCBS-ELIGIBLE ELDERLY INDI-
16 VIDUAL.—The term “Medicaid HCBS-eligible elderly
17 individual” means an individual who—

18 (A) is 65 years of age or older;

19 (B) is eligible for and enrolled for medical
20 assistance for any of the following services
21 (whether provided on a fee-for-service, risk, or
22 other basis) under a State Medicaid program
23 under title XIX of the Social Security Act (42
24 U.S.C. 1396 et seq.) (including any waiver or
25 demonstration under such title or under section

1 1115 of such Act (42 U.S.C. 1315) relating to
2 such title), and includes an individual who be-
3 comes eligible for medical assistance under a
4 State Medicaid program when removed from a
5 waiting list:

6 (i) Home health care services author-
7 ized under paragraph (7) of section
8 1905(a) of the Social Security Act (42
9 U.S.C. 1396d(a)).

10 (ii) Personal care services authorized
11 under paragraph (24) of such section.

12 (iii) PACE services authorized under
13 paragraph (26) of such section.

14 (iv) Home and community-based serv-
15 ices authorized under subsections (b), (c),
16 (i), (j), and (k) of section 1915 of such Act
17 (42 U.S.C. 1396n), such services author-
18 ized under a waiver under section 1115 of
19 such Act (42 U.S.C. 1315), and such serv-
20 ices provided through coverage authorized
21 under section 1937 of such Act (42 U.S.C.
22 1396u-7).

23 (v) Case management services author-
24 ized under section 1905(a)(19) of the So-
25 cial Security Act (42 U.S.C. 1396d(a)(19))

1 and section 1915(g) of such Act (42
2 U.S.C. 1396n(g)).

3 (vi) Rehabilitative services, including
4 those related to behavioral health, de-
5 scribed in section 1905(a)(13) of such Act
6 (42 U.S.C. 1396d(a)(13)).

7 (vii) Such other services specified by
8 the Secretary of Health and Human Serv-
9 ices.

10 (10) PARENT.—The term “parent”, with re-
11 spect to a parent of a domestic worker, means a bio-
12 logical, foster, or adoptive parent of a domestic
13 worker, a stepparent of a domestic worker, parent-
14 in-law of a domestic worker, parent of a domestic
15 partner of a domestic worker, or a legal guardian or
16 other person who stood in loco parentis to the do-
17 mestic worker when the worker was a child.

18 (11) PERSONAL CARE AIDE OR ASSISTANT.—
19 The term “personal care aide or assistant” means
20 an individual who provides personal care services.

21 (12) PERSONAL CARE SERVICES.—The term
22 “personal care services” means assistance provided
23 to an individual who is not an inpatient or resident
24 of a hospital, nursing facility, intermediate care fa-
25 cility for individuals with intellectual disabilities, or

1 institution for mental disease that enables the recipi-
2 ent to accomplish activities of daily living or instru-
3 mental activities of daily living.

4 (13) SECRETARY.—The term “Secretary”
5 means the Secretary of Labor.

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

12 (15) SHARED LIVING ARRANGEMENT.—The
13 term “shared living arrangement” means a living ar-
14 rangement involving—

15 (A) not more than 2 individuals who are
16 an individual with a disability or a Medicaid
17 HCBS-eligible elderly individual, except if 1 or
18 more of the individuals are related to each
19 other (by blood or a close association that is
20 equivalent to a family relationship);

21 (B) an individual providing services for
22 compensation and living in the private home of
23 the recipient of such services;

24 (C) an individual receiving funding
25 through a State Medicaid program under title

1 XIX of the Social Security Act (42 U.S.C. 1396
2 et seq.), or another publicly funded program;

3 (D) a stipend or room and board as the
4 primary form of payment for the individual pro-
5 viding such services; and

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

15 (16) SPOUSE.—The term “spouse”, with re-
16 spect to a domestic worker, has the meaning given
17 such term by the marriage laws of the State in
18 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 em-
23 ployed in an enterprise engaged in commerce or in
24 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 not
8 later than 48 hours after such termination; and

9 “(B)(i) not less than 30 calendar days of
10 lodging at—

11 “(I) the household premises of the
12 employer, as customarily provided by the
13 employer; or

14 “(II) another premise of a comparable
15 lodging condition; or

16 “(ii) severance pay in an amount equiva-
17 lent to the average earnings of the live-in do-
18 mestic employee for 2 weeks of employment
19 during the preceding 6 months.

20 “(2) OFF-SITE LODGING OR SEVERANCE.—If an
21 employer chooses to provide a live-in domestic em-
22 ployee who is terminated, as described in paragraph
23 (1), lodging described in paragraph (1)(B)(i)(II) or
24 severance pay described in paragraph (1)(B)(ii), the
25 employer shall allow the live-in domestic employee

1 not less than 48 hours after the notice provided
2 under paragraph (1)(A) to vacate the household of
3 the employer.

4 “(3) EXCEPTION.—

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

14 “(B) GOOD FAITH ALLEGATIONS.—A good
15 faith allegation described in this subparagraph
16 shall be—

17 “(i) made in writing and provided to
18 the employee not later than 48 hours after
19 the employer has knowledge of the conduct
20 of the employee;

21 “(ii) supported by a reasonable basis
22 and belief; and

23 “(iii) made without reckless disregard
24 or willful ignorance of the truth.

1 “(c) COMMUNICATIONS FOR LIVE-IN DOMESTIC EM-
2 PLOYEES.—

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

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

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

14 “(2) TELEPHONE AND INTERNET SERVICES.—

15 “(A) EMPLOYER WITH SERVICES.—If an
16 employer requires an employee to be a live-in
17 domestic employee and has telephone or inter-
18 net services for the household of the employer,
19 the employer shall provide the live-in domestic
20 employee with reasonable access to such serv-
21 ices without charge to the employee.

22 “(B) EMPLOYER WITHOUT SERVICES.—If
23 an employer requires an employee to be a live-
24 in domestic employee and does not have tele-

1 phone or internet services for the household of
2 the employer, the employer—

3 “(i) shall provide the live-in domestic
4 employee with a reasonable opportunity to
5 access such services at another location;
6 and

7 “(ii) shall not be required to pay for
8 such services.”.

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

12 **SEC. 103. ENFORCEMENT.**

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

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

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

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

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

24 (1) in subsection (b), by inserting “Any em-
25 ployer who violates section 8(b) shall be liable to the

1 employee affected in an amount of severance pay
2 that is calculated, with respect to the employee, in
3 accordance with section 8(b)(1)(B)(ii), and in an ad-
4 ditional equal amount as liquidated damages. Any
5 employer who violates section 8(c) shall be liable to
6 the employee affected in an amount that is not to
7 exceed \$2,000 for each violation.” after the third
8 sentence; and

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

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

23 (d) STATUTE OF LIMITATIONS.—Section 6 of the
24 Portal-to-Portal Act of 1947 (29 U.S.C. 255) is amended,
25 in the matter preceding subsection (a), by inserting “(and

1 any cause of action to enforce section 8 of such Act)” after
2 “under the Fair Labor Standards Act of 1938, as amend-
3 ed”.

4 **Subtitle B—Domestic Worker** 5 **Rights**

6 **SEC. 110. WRITTEN AGREEMENTS.**

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

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

17 (c) WRITTEN AGREEMENT REQUIREMENTS.—

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

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

23 (B) be written in a language easily and
24 fully understood by the covered domestic worker
25 and the domestic work hiring entity, which may

1 be in multiple languages if the worker and the
2 entity do not easily and fully understand the
3 same language; and

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

6 (2) COPY.—A copy of the written agreement re-
7 quired under this section shall be provided to the
8 covered domestic worker not later than 5 calendar
9 days after the date on which the covered domestic
10 worker is hired by the domestic work hiring entity.

11 (d) CONTENTS OF THE WRITTEN AGREEMENT.—

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

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

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

1 (C) All responsibilities to be performed by
2 the covered domestic worker for the domestic
3 work hiring entity, and the regularity in which
4 such responsibilities are to be performed.

5 (D) The regular rate of pay of the covered
6 domestic worker for any work week, including
7 any overtime compensation due.

8 (E) The day of the week when the covered
9 domestic worker will be paid.

10 (F) The required working hours for any
11 work week, including—

12 (i) the time of day and day of week
13 the work of the covered domestic worker
14 begins;

15 (ii) meal and rest breaks described in
16 section 115;

17 (iii) time off;

18 (iv) the work schedule of the worker
19 at the time of hire, including—

20 (I) the time of day and the days
21 of the week the covered domestic
22 worker will be expected to work for
23 the domestic work hiring entity each
24 week; or

1 (II) if the time of day or the days
2 of the week that the domestic worker
3 will be expected to work for the do-
4 mestic work hiring entity will vary
5 from week to week, information re-
6 garding a good faith estimate of the
7 days and hours for which the covered
8 domestic worker will be expected to
9 work for the domestic work hiring en-
10 tity each week, including, at min-
11 imum—

12 (aa) the average number of
13 hours the covered domestic work-
14 er will be expected to work for
15 the domestic work hiring entity
16 each week during a typical 90-
17 day period;

18 (bb) whether the covered do-
19 mestic worker can expect to work
20 any on-call shifts, as defined in
21 paragraph (3), for the domestic
22 work hiring entity;

23 (cc) a subset of days the
24 covered domestic worker can
25 typically expect to work (or to be

1 scheduled as off from work) for
2 the domestic work hiring entity;
3 and

4 (dd) the amount of notice
5 that the domestic work hiring en-
6 tity will provide to the domestic
7 worker in advance of scheduled
8 work hours (as defined in section
9 112(a)), which shall not be less
10 than 72 hours before such sched-
11 uled work hours are to begin (ex-
12 cept during a period described in
13 subparagraph (A) of section
14 112(e)(1), in a case described in
15 subparagraph (B) of section
16 112(e)(1), or in the case of a
17 shared living arrangement), and
18 the manner in which such notice
19 shall be provided;

20 (v) the reporting time pay policy de-
21 scribed in section 112(c); and

22 (vi) the right to request and receive a
23 change to scheduled work hours due to
24 personal events as described in section
25 113.

1 (G) If applicable, any policies of the do-
2 mestic work hiring entity with respect to the
3 covered domestic worker for paying for or pro-
4 viding reimbursement for—

5 (i) health insurance;

6 (ii) transportation, meals, or lodging;

7 and

8 (iii) any fees or costs associated with
9 the domestic services provided by the cov-
10 ered domestic worker for the entity.

11 (H) If applicable, any policies of the do-
12 mestic work hiring entity with respect to the
13 covered domestic worker for—

14 (i) annual or other pay increases;

15 (ii) severance pay; and

16 (iii) providing materials or equipment
17 related to the performance of domestic
18 service by the covered domestic worker, in-
19 cluding (if applicable) any cleaning sup-
20 plies provided by the entity.

21 (I) Information about policies, procedures,
22 and equipment related to safety and emer-
23 gencies.

24 (J) The policy of the domestic work hiring
25 entity pertaining to notice of termination of the

covered domestic worker by the domestic work hiring entity.

(K) In the case of a covered domestic worker who resides in the household of the person for whom the domestic worker provides domestic services—

(i) the circumstances under which the domestic work hiring entity may enter the designated living space of the domestic worker;

(ii) the circumstances under which the covered domestic worker, in a shared living arrangement, may enter the designated living space of the domestic work hiring entity; and

(iii) a description of certain circumstances the domestic work hiring entity determines as cause for—

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

(II) subject (as applicable) to section 8(b) of the Fair Labor Standards Act of 1938, removal of the covered domestic worker from the household of the person for whom the work-

1 er provides domestic services not later
2 than 48 hours after notice of the ter-
3 mination.

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

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

10 (N) The process used by the domestic work
11 hiring entity to change any policy described in
12 subparagraphs (A) through (M), including ad-
13 dressing additional compensation if responsibil-
14 ities are added to those described in subpara-
15 graph (C), after the date on which the written
16 agreement is provided to the domestic worker.

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

19 (A) contain—

20 (i) a mandatory pre-dispute arbitra-
21 tion agreement for claims made by a cov-
22 ered domestic worker against a domestic
23 work hiring entity regarding the legal
24 rights of the worker; or

1 (ii) a non-disclosure agreement, non-
 2 compete agreement, or non-disparagement
 3 agreement, limiting the ability of the cov-
 4 ered domestic worker to seek compensation
 5 for performing domestic services after the
 6 worker ceases to receive compensation
 7 from the domestic work hiring entity for
 8 the performance of domestic services; and

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

12 (3) DEFINITION OF ON-CALL SHIFT.—For pur-
 13 poses of paragraph (1)(F)(iv)(II)(bb), the term “on-
 14 call shift” means any time a domestic work hiring
 15 entity expects a covered domestic worker to—

16 (A) be available to work; and

17 (B) wait to contact, or be contacted by, the
 18 domestic work hiring entity, or a designee of
 19 the entity, to determine whether the worker
 20 shall report to work during such time.

21 (e) TIMING.—

22 (1) INITIAL AGREEMENT.—A domestic work
 23 hiring entity shall provide a written agreement re-
 24 quired under this section—

1 (A) to each covered domestic worker hired
2 after the date of enactment of this Act, prior to
3 the first day the worker performs domestic
4 services for the entity; and

5 (B) to each covered domestic worker hired
6 on or prior to the date of enactment of this Act,
7 90 days after such date of enactment.

8 (2) SUBSEQUENT AGREEMENTS.—Not later
9 than 30 calendar days after the date on which a do-
10 mestic work hiring entity makes a change to a writ-
11 ten agreement provided to a covered domestic work-
12 er under this section, the domestic work hiring enti-
13 ty shall provide the domestic worker with an up-
14 dated agreement in accordance with this section.

15 (f) RECORDS.—A domestic work hiring entity that is
16 required to provide a written agreement under this section
17 to a covered domestic worker shall retain such agreement
18 for a period of not less than 3 years from the date on
19 which the covered domestic worker is no longer working
20 for the entity.

21 (g) MODEL WRITTEN AGREEMENTS.—

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

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

3 (A) be available in multiple languages com-
4 monly understood by domestic workers, includ-
5 ing all languages in which the Secretary, acting
6 through the Administrator of the Wage and
7 Hour Division, translates the basic information
8 fact sheet published by the Administrator; and

9 (B) not include any agreement described in
10 subsection (d)(2)(A).

11 **SEC. 111. EARNED SICK DAYS.**

12 (a) DEFINITIONS.—In this section:

13 (1) DOMESTIC VIOLENCE.—The term “domestic
14 violence” has the meaning given the term in section
15 40002(a) of the Violence Against Women Act of
16 1994 (34 U.S.C. 12291(a)), except that the ref-
17 erence in such section to the term “jurisdiction re-
18 ceiving grant monies” shall be deemed to mean the
19 jurisdiction in which the victim lives or the jurisdic-
20 tion in which the domestic work hiring entity in-
21 volved is located. Such term also includes dating vio-
22 lence, as that term is defined in such section.

23 (2) DOMESTIC WORKER.—The term “domestic
24 worker” means a domestic worker, as defined in sec-

tion 3(b), other than an individual providing assistance through a shared living arrangement.

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

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

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

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

(5) EMPLOYMENT BENEFITS.—The term “employment benefits” means all benefits provided or made available to domestic workers by a domestic work hiring entity, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of a domestic work hiring entity or through an “employee benefit plan”, as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)).

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

3 (A) is described in section 825.125 of title
4 29, Code of Federal Regulations; and

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

8 (7) PAID SICK TIME.—The term “paid sick
9 time” means an increment of compensated leave that
10 can be earned by a domestic worker for use during
11 an absence from employment for any of the reasons
12 described in subparagraphs (A) through (D) of sub-
13 section (b)(2).

14 (8) SEXUAL ASSAULT.—The term “sexual as-
15 sault” has the meaning given the term in section
16 40002(a) of the Violence Against Women Act of
17 1994 (34 U.S.C. 12291(a)).

18 (9) STALKING.—The term “stalking” has the
19 meaning given the term in section 40002(a) of the
20 Violence Against Women Act of 1994 (34 U.S.C.
21 12291(a)).

22 (10) VICTIM SERVICES ORGANIZATION.—The
23 term “victim services organization” means a non-
24 profit, nongovernmental organization that provides
25 assistance to victims of domestic violence, sexual as-

1 sault, or stalking or advocates for such victims, in-
2 cluding a rape crisis center, an organization carrying
3 out a domestic violence, sexual assault, or stalking
4 prevention or treatment program, an organization
5 operating a shelter or providing counseling services,
6 or a legal services organization or other organization
7 providing assistance through the legal process.

8 (b) EARNED PAID SICK TIME.—

9 (1) EARNING OF TIME.—

10 (A) IN GENERAL.—A domestic work hiring
11 entity shall provide each domestic worker em-
12 ployed by the hiring entity not less than 1 hour
13 of earned paid sick time for every 30 hours
14 worked, to be used as described in paragraph
15 (2). A domestic work hiring entity shall not be
16 required to permit a domestic worker to earn,
17 under this subsection, more than 56 hours of
18 paid sick time in a year, unless the hiring entity
19 chooses to set a higher limit.

20 (B) DATES FOR BEGINNING TO EARN PAID
21 SICK TIME AND USE.—Domestic workers shall
22 begin to earn and be entitled to use earned paid
23 sick time under this subsection at the com-
24 mencement of their employment. A domestic
25 work hiring entity may, at the discretion of the

1 hiring entity, loan paid sick time to a domestic
2 worker for use by such domestic worker in ad-
3 vance of the domestic worker earning such sick
4 time as provided in this paragraph and may
5 permit use before the 60th day of employment.

6 (C) CARRYOVER.—

7 (i) IN GENERAL.—Except as provided
8 in clause (ii), paid sick time earned under
9 this subsection shall carry over from one
10 year to the next.

11 (ii) CONSTRUCTION.—This section
12 shall not be construed to require a domes-
13 tic work hiring entity to permit a domestic
14 worker to earn more than 56 hours of
15 earned paid sick time at a given time.

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

1 (E) CONSTRUCTION.—Nothing in this sub-
2 section shall be construed as requiring financial
3 or other reimbursement to a domestic worker
4 from a domestic work hiring entity upon the do-
5 mestic worker’s termination, resignation, retire-
6 ment, or other separation from employment for
7 earned paid sick time that has not been used.

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

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

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

4 (A) An absence resulting from a physical
5 or mental illness, injury, or medical condition of
6 the domestic worker.

7 (B) An absence resulting from obtaining
8 professional medical diagnosis or care, or pre-
9 ventive medical care, for the domestic worker.

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

16 (i) has any of the conditions or needs
17 for diagnosis or care described in subpara-
18 graph (A) or (B);

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

1 (iii) is otherwise in need of care.

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

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

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

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

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

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

1 (3) SCHEDULING.—A domestic worker shall
2 make a reasonable effort to schedule a foreseeable
3 period of paid sick time under this subsection in a
4 manner that does not unduly disrupt the operations
5 of the domestic 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, for not less than 3 consecutive
10 days, a victim of domestic violence,
11 sexual assault, or stalking.

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

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

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

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

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

1 plain the details of the domestic vio-
2 lence, sexual assault, or stalking in-
3 volved; and

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

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

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

16 (c) CONSTRUCTION AND APPLICATION.—

17 (1) EFFECT ON OTHER LAWS.—

18 (A) FEDERAL AND STATE ANTIDISCRIMI-
19 NATION LAWS.—Nothing in this section shall be
20 construed to modify or affect any Federal or
21 State law prohibiting discrimination on the
22 basis of race, religion, color, national origin, sex
23 (including sexual orientation and gender iden-
24 tity), age, disability, marital status, familial sta-
25 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, through a written agreement or schedule, required by
9 a domestic work hiring entity to perform domestic services
10 for the entity and for which the worker will receive com-
11 pensation for such services.

12 (b) REQUIREMENT FOR NOTICE OF COVERED DO-
13 MESTIC WORKER.—In the case of a covered domestic
14 worker (as defined in section 110(a)), the domestic work
15 hiring entity shall provide the covered domestic worker no-
16 tice of the scheduled work hours of such worker through—

17 (1) a written agreement described in subclause
18 (I) of section 110(d)(1)(F)(iv) regarding a schedule
19 of the time of day and the days of the week the cov-
20 ered domestic worker is expected to work for the do-
21 mestic work hiring entity each week; or

22 (2) a schedule agreed upon by the domestic
23 work hiring entity and the covered domestic worker
24 provided in the amount of time specified in accord-
25 ance with a written agreement described in sub-

1 clause (II) of such section, regarding a good faith
2 estimate of the time of day and the days of the week
3 that the covered domestic worker is expected to work
4 for the domestic work hiring entity.

5 (c) REQUIREMENTS FOR CHANGES TO SCHEDULED
6 WORK HOURS AND REPORTING TIME PAY.—A domestic
7 work hiring entity shall—

8 (1) communicate in writing (which may be in
9 an electronic form) any change to the scheduled
10 work hours of a domestic worker, including any on-
11 call shifts, not less than 72 hours before the domes-
12 tic worker is scheduled to begin work; and

13 (2) pay a domestic worker—

14 (A) the regular rate of pay of the domestic
15 worker for any scheduled work hours the do-
16 mestic worker does not work due to the domes-
17 tic work hiring entity canceling or reducing the
18 scheduled work hours of the domestic worker
19 after the domestic worker arrives to work for
20 the scheduled work hours; or

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

1 mestic worker at a time that is less than 72
 2 hours prior to the commencement of such
 3 scheduled work hours, unless the domestic work
 4 hiring entity—

5 (i) is an individual with a disability
 6 relying on the domestic worker for dis-
 7 ability supports and services (or an entity
 8 supporting an individual with a disability);
 9 and

10 (ii) requests the domestic worker to
 11 consent to work alternative, equivalent
 12 scheduled work hours within a 7-day pe-
 13 riod and the worker consents to work such
 14 alternative, equivalent hours.

15 (d) RIGHT TO DECLINE SCHEDULE CHANGES.—

16 (1) IN GENERAL.—In the case of a covered do-
 17 mestic worker (as defined in section 110(a)), if a do-
 18 mestic work hiring entity wishes to include work
 19 hours in the scheduled work hours of such worker
 20 that are identified as hours in which the worker can
 21 typically expect to be scheduled as off from work in
 22 accordance with the written agreement under section
 23 110(d)(1)(F)(iv)(I) or are identified as hours outside
 24 of the good faith estimate under section
 25 110(d)(1)(F)(iv)(II)(cc), the hiring entity shall ob-

1 tain the written consent of the worker to work such
2 hours prior to the commencement of such work.

3 (2) CONSENT.—The consent required under
4 paragraph (1) may be transmitted electronically to
5 the domestic work hiring entity.

6 (e) EXCEPTIONS.—

7 (1) IN GENERAL.—Notwithstanding any provi-
8 sion in this section, the requirements under sub-
9 section (c) shall not apply—

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

13 (i) a fire, flood, or other natural dis-
14 aster;

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

23 (iii) a severe weather condition that
24 poses a threat to worker safety; or

25 (B) in a case in which—

1 (i) the domestic worker voluntarily re-
2 requested in writing a change to the sched-
3 uled work hours of the worker; or

4 (ii) the domestic work hiring entity
5 changes the scheduled work hours of a do-
6 mestic worker due to—

7 (I) a medical emergency requir-
8 ing emergency medical treatment or
9 hospitalization; or

10 (II) the risk of contagion or a
11 quarantine requirement related to the
12 public health emergency declared by
13 the Secretary of Health and Human
14 Services under section 319 of the
15 Public Health Service Act (42 U.S.C.
16 247d) on January 31, 2020, with re-
17 spect to COVID–19, or any other
18 public health emergency declared
19 under such section.

20 (2) SHARED LIVING ARRANGEMENT.—Notwith-
21 standing any provision in this section, the require-
22 ments under this section shall not apply to a shared
23 living arrangement.

1 (f) EFFECTIVE DATE.—This section shall take effect
2 on the date that is 2 years after the date of enactment
3 of this Act.

4 **SEC. 113. RIGHT TO REQUEST AND RECEIVE TEMPORARY**
5 **CHANGES TO SCHEDULED WORK HOURS DUE**
6 **TO PERSONAL EVENTS.**

7 (a) DEFINITIONS.—In this section:

8 (1) COVERED DOMESTIC WORKER.—The term
9 “covered domestic worker” has the meaning given
10 the term in section 110(a).

11 (2) DOMESTIC VIOLENCE.—The term “domestic
12 violence” has the meaning given the term in section
13 111(a).

14 (3) PERSONAL EVENT.—The term “personal
15 event”, with respect to a covered domestic worker,
16 means—

17 (A) an event resulting in the need of the
18 covered domestic worker to serve as a caregiver
19 for an individual related to the covered domestic
20 worker by blood or affinity or whose close asso-
21 ciation with the covered domestic worker is the
22 equivalent of a family relationship;

23 (B) an event resulting from the obligation
24 of a covered domestic worker to attend a legal
25 proceeding or hearing for subsistence benefits,

1 including benefits under the supplemental nutri-
2 tion assistance program established under the
3 Food and Nutrition Act of 2008 (7 U.S.C.
4 2011 et seq.) or under a State program for
5 temporary assistance for needy families estab-
6 lished under part A of title IV of the Social Se-
7 curity Act (42 U.S.C. 601 et seq.), to which the
8 worker, or an individual related to the worker
9 as described in subparagraph (A), is a party or
10 witness; or

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

15 (4) SAFE TIME.—The term “safe time”, with
16 respect to a covered domestic worker, means an ab-
17 sence from work of the worker resulting from do-
18 mestic violence, sexual assault, or stalking, if the ab-
19 sence is to—

20 (A) seek medical attention for the worker
21 or a child, parent, spouse, or domestic partner
22 of the worker, or any other individual related to
23 the worker by blood or affinity whose close as-
24 sociation with the worker is the equivalent of a
25 family relationship, in order to recover from

1 physical or psychological injury or disability
2 caused by domestic violence, sexual assault, or
3 stalking;

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

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

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

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

22 (5) SCHEDULED WORK HOURS.—The term
23 “scheduled work hours” has the meaning given such
24 term in section 112(a), except that references in
25 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.—In accordance with this sub-
16 section, for each calendar year, a domestic work hir-
17 ing entity shall, upon request of a covered domestic
18 worker, grant to the covered domestic worker not
19 less than—

20 (A) 2 requests for a temporary change,
21 covering not more than 1 business day per re-
22 quest, to the scheduled work hours of the work-
23 er due to a personal event; or

24 (B) 1 request for a temporary change, cov-
25 ering not more than 2 business days, to the

1 scheduled work hours of the worker due to a
2 personal event.

3 (2) NOTIFICATION OF REQUEST.—

4 (A) IN GENERAL.—A covered domestic
5 worker who requests a temporary change to the
6 scheduled work hours of the worker due to a
7 personal event under this subsection shall—

8 (i) notify the domestic work hiring en-
9 tity, or direct supervisor, of such worker,
10 as soon as the worker becomes aware of
11 the need for the temporary change and in-
12 form the entity or supervisor that the
13 change is due to a personal event;

14 (ii) make a proposal for the temporary
15 change to the scheduled work hours of the
16 worker, unless the worker seeks leave with-
17 out pay; and

18 (iii) subject to subparagraph (B), not
19 be required to initially submit the request
20 in writing.

21 (B) WRITTEN RECORD.—

22 (i) IN GENERAL.—A covered domestic
23 worker that requests a temporary change
24 to the scheduled work hours of the worker
25 under this subsection and does not initially

1 submit a request for such change in writ-
2 ing shall, as soon as practicable and not
3 later than 2 business days after date on
4 which the worker returns to work following
5 the conclusion of the temporary change to
6 the scheduled work hours, submit a written
7 record of such request indicating—

8 (I) the date for which the change
9 was requested; and

10 (II) that the request was made
11 due to a personal event.

12 (ii) ELECTRONIC MEANS.—A domestic
13 work hiring entity may require that a
14 record under this subparagraph be sub-
15 mitted in electronic form if workers of the
16 domestic work hiring entity commonly use
17 an electronic form to request and manage
18 leave and schedule changes.

19 (c) RESPONSE.—A domestic work hiring entity who
20 receives a request under subsection (b) for a temporary
21 change to the scheduled work hours of a covered domestic
22 worker due to a personal event shall respond as soon as
23 practicable. Such entity shall not be initially required to
24 respond to such request in writing. If such entity does not
25 initially respond to the requested schedule change in writ-

1 ing, the entity shall, as soon as practicable and not later
2 than 1 week after the requested schedule change, provide
3 the domestic worker with a written record of the response
4 to the requested schedule change.

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

8 **SEC. 114. PRIVACY.**

9 (a) IN GENERAL.—A domestic work hiring entity
10 shall not—

11 (1) monitor or record a domestic worker while
12 such domestic worker is—

13 (A) using restroom or bathing facilities;

14 (B) in the private living quarters of the
15 worker; or

16 (C) engaging in any activities associated
17 with the dressing, undressing, or changing of
18 clothes of the worker;

19 (2) subject to subsection (b), restrict or inter-
20 fere with, or monitor, the private communications of
21 such domestic worker; or

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

24 (b) PRIVATE COMMUNICATIONS.—A domestic work
25 hiring entity may—

1 (1) restrict, interfere with, or monitor the pri-
2 vate communications of a domestic worker if the do-
3 mestic work hiring entity has a reasonable belief
4 that such communications significantly interfere
5 with the domestic worker’s performance of expected
6 duties; and

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

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

13 (d) DEFINITION OF PRIVATE COMMUNICATIONS.—In
14 this section, the term “private communications” means
15 any communication through telephone or internet services,
16 including sending and receiving communications by text
17 message, social media, electronic mail, and telephone, with
18 an entity or individual other than the domestic work hiring
19 entity.

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

21 (a) MEAL BREAKS.—

22 (1) IN GENERAL.—Except as provided in sub-
23 section (c), a domestic work hiring entity shall not
24 require a domestic worker to work more than 5
25 hours for such hiring entity without an uninter-

1 rupted meal break of not less than 30 minutes. The
2 number of hours worked by a domestic worker for
3 purposes of this paragraph shall be calculated with-
4 out regard to any rest break the worker takes and
5 to which the worker has a right under subsection
6 (b).

7 (2) RATE OF PAY.—A domestic work hiring en-
8 tity shall pay a domestic worker for a meal break
9 under paragraph (1) at the regular rate of pay of
10 the domestic worker unless the domestic worker is
11 relieved of all duty for not less than 30 minutes dur-
12 ing the meal break and is permitted to leave the
13 work site during such break.

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

18 (A) shall provide a reasonable opportunity
19 for a domestic worker to take such break for a
20 period of uninterrupted time that is not less
21 than 30 minutes; and

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

24 (b) REST BREAKS.—

1 (1) IN GENERAL.—Except as provided in sub-
2 section (c), for every 4 hours of work that a domes-
3 tic worker is scheduled to perform for a domestic
4 work hiring entity, the entity shall allow the worker
5 a rest break of not less than 10 uninterrupted min-
6 utes in which the domestic worker is relieved of all
7 duties related to providing domestic services to the
8 domestic work hiring entity. The domestic work hir-
9 ing entity shall allow such rest break to occur during
10 the first 3 hours of consecutive work performed by
11 the worker for the entity.

12 (2) RATE OF PAY.—A domestic work hiring en-
13 tity shall pay a domestic worker for the times spent
14 by the worker for a rest break under paragraph (1)
15 at the regular rate of pay of the worker. The hiring
16 entity shall not impede or discourage a domestic
17 worker from taking such break.

18 (c) EXCEPTIONS.—

19 (1) IN GENERAL.—Subject to paragraph (2), a
20 domestic worker may not have the right to a meal
21 break under subsection (a), or a rest break under
22 subsection (b), in a case in which the safety of an
23 individual under the care of the domestic worker
24 prevents the domestic worker from taking such
25 break.

1 (2) ON-DUTY BREAKS.—

2 (A) DEFINITION OF ON-DUTY.—In this
3 subsection, the term “on-duty”, with respect to
4 a meal break under subsection (a) or a rest
5 break under subsection (b), means such a break
6 in which the domestic worker—

7 (i) is not relieved of all duties of the
8 worker for the domestic work hiring entity;
9 and

10 (ii) may, to the extent possible given
11 the duties of the domestic worker for the
12 domestic work hiring entity, engage in per-
13 sonal activities, such as resting, eating a
14 meal, drinking a beverage, making a per-
15 sonal telephone call, or making other per-
16 sonal choices.

17 (B) AUTHORIZATION.—

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

23 (I) the nature of the work pre-
24 vents a domestic worker from being
25 relieved of all duties required of the

1 domestic worker for the domestic
2 work hiring entity; and

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

8 (ii) WRITTEN AGREEMENT.—The
9 written agreement under clause (i)(II)
10 shall include a provision allowing the do-
11 mestic worker to, in writing, revoke the
12 agreement at any time.

13 (C) RATE OF PAY.—A domestic work hir-
14 ing entity shall compensate a domestic worker
15 for the time of an on-duty meal or rest break
16 under this paragraph at the regular rate of pay
17 of the worker for the entity.

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

21 **SEC. 116. UNFAIR WAGE DEDUCTIONS FOR CASH SHORT-**
22 **AGES, BREAKAGES, LOSS, OR MODES OF COM-**
23 **MUNICATION.**

24 (a) IN GENERAL.—

1 (1) REQUIREMENT.—Except as provided in
2 paragraph (2), a domestic work hiring entity may
3 not make any deduction from the wage of, or require
4 any reimbursement from, a domestic worker for—

5 (A) any cash shortage of the domestic
6 work hiring entity; or

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

9 (2) EXCEPTION.—A domestic work hiring entity
10 may deduct from the wage of, or require reimburse-
11 ment from, a domestic worker described in para-
12 graph (1) if the entity can show that a shortage,
13 breakage, or loss described in paragraph (1) was
14 caused by a dishonest or willful act of the domestic
15 worker.

16 (b) COMMUNICATIONS.—No domestic work hiring en-
17 tity shall make any deduction from the wage of, or other-
18 wise penalize, a domestic worker for communicating with
19 a consumer of domestic services directly as opposed to
20 communicating through an application or other messaging
21 service provided by an on-demand platform or otherwise
22 required by the domestic work hiring entity.

23 (c) VIOLATION.—Any deduction or reimbursement in
24 violation of subsection (a)(1) or (b) shall be deemed an
25 unpaid wage for purposes of enforcement under section

1 118, and the domestic worker shall have the right to re-
2 cover such wage in accordance with such section.

3 **SEC. 117. PROHIBITED ACTS.**

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

8 (1) discharging or in any manner discrimi-
9 nating against (including retaliating against) any
10 domestic worker for—

11 (A) exercising, or attempting to exercise,
12 any right provided under this subtitle; or

13 (B) engaging in concerted activities for the
14 purpose of collective bargaining or mutual aid
15 or protection, regardless of whether such activi-
16 ties are with domestic workers of different em-
17 ployers or domestic workers at different work-
18 sites; and

19 (2) discriminating against any domestic worker
20 by using the exercise of a right provided under this
21 subtitle as a negative factor in an employment ac-
22 tion, such as an action involving hiring, promotion,
23 or changing work hours or number of shifts, or a
24 disciplinary action.

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

12 (1) opposes any practice made unlawful under
13 this subtitle;

14 (2) asserts any claim or right under this sub-
15 title;

16 (3) assists a domestic worker in asserting such
17 claim or right;

18 (4) informs any domestic worker about this
19 subtitle;

20 (5) requests a change to the written agreement
21 described in section 110;

22 (6) requests a change in scheduled work hours
23 described in section 112, or any other schedule
24 change, without regard to the eligibility of such do-
25 mestic worker to receive any such change;

1 (7) participates as a member of, or takes an ac-
2 tion described in paragraph (8) with respect to, the
3 Domestic Worker Standards Board described in sec-
4 tion 201;

5 (8)(A) files an action, or institutes or causes to
6 be instituted any proceeding, under or related to this
7 subtitle;

8 (B) gives, or is about to give, any information
9 in connection with any inquiry or proceeding relating
10 to any right provided under this subtitle; or

11 (C) testifies, or is about to testify, in any in-
12 quiry or proceeding relating to any right provided
13 under this subtitle; and

14 (9) engages in concerted activities for the pur-
15 pose of collective bargaining or mutual aid or protec-
16 tion, regardless of whether such activities are with
17 domestic workers of different employers or domestic
18 workers at different worksites.

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

1 (1) Reporting, or threatening to report, the citi-
2 zenship or immigration status of a domestic worker,
3 or the suspected citizenship or immigration status of
4 a family member of such an individual, to a Federal,
5 State, or local agency.

6 (2) Requesting more or different documents
7 than those required under section 274A(b) of the
8 Immigration and Nationality Act (8 U.S.C.
9 1324a(b)), or refusing to honor documents that on
10 their face appear to be genuine.

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

16 (4) Filing, or threatening to file, a false police
17 report relating to the immigration status of a do-
18 mestic worker, or a family member of a domestic
19 worker.

20 (5) Contacting, or threatening to contact, immi-
21 gration authorities relating to the immigration sta-
22 tus of a domestic worker, or a family member of a
23 domestic worker.

24 (d) PRESUMPTION OF RETALIATION.—

1 (1) IN GENERAL.—For the purposes of sub-
2 sections (a) and (b), proof that a person discharged
3 an individual, or discriminated against an individual
4 with respect to compensation, terms, conditions, or
5 privileges of employment, within 90 days of the indi-
6 vidual involved asserting any claim or right under
7 this subtitle, or assisting any other individual in as-
8 serting such a claim or right, shall raise a presump-
9 tion that the discharge or discrimination was in re-
10 taliation as prohibited under subsection (a) or (b),
11 as the case may be.

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

16 **SEC. 118. ENFORCEMENT AUTHORITY.**

17 (a) IN GENERAL.—

18 (1) APPLICATION.—In this subsection—

19 (A) the term “domestic worker” means a
20 domestic worker described in subsection
21 (e)(1)(A); and

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

25 (2) INVESTIGATIVE AUTHORITY.—

1 (A) IN GENERAL.—To ensure compliance
2 with the provisions of this subtitle, or any regu-
3 lation or order issued under this subtitle, the
4 Secretary shall have the investigative authority
5 provided under section 11(a) of the Fair Labor
6 Standards Act of 1938 (29 U.S.C. 211(a)),
7 with respect to hiring entities, domestic work-
8 ers, and other individuals affected.

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

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

23 (i) has reasonable cause to believe
24 there may exist a violation of this subtitle,

1 including any regulation or order issued
2 under this subtitle; or

3 (ii) is investigating a charge under
4 paragraph (4).

5 (D) SUBPOENA AUTHORITY.—For the pur-
6 poses of any investigation under this paragraph,
7 the Secretary shall have the subpoena authority
8 provided under section 9 of the Fair Labor
9 Standards Act of 1938 (29 U.S.C. 209).

10 (3) CIVIL ACTION BY DOMESTIC WORKERS.—

11 (A) RIGHT OF ACTION.—An action to re-
12 cover the damages or equitable relief prescribed
13 in subparagraph (B) may be maintained
14 against a domestic work hiring entity by one or
15 more domestic workers, or a representative for
16 and on behalf of the domestic workers and any
17 other domestic workers that may be similarly
18 situated.

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

24 (i) damages equal to—

25 (I) the amount of—

1 (aa) any wages, salary, em-
2 ployment benefits, or other com-
3 pensation denied or lost by rea-
4 son of the violation; or

5 (bb) in a case in which
6 wages, salary, employment bene-
7 fits, or other compensation have
8 not been denied or lost, any ac-
9 tual monetary losses sustained,
10 or the costs reasonably related to
11 damage to or loss of property, or
12 any other injury to the person,
13 reputation, character, or feelings,
14 sustained by a domestic worker
15 as a direct result of the violation,
16 or any injury to another person
17 sustained as a direct result of the
18 violation, by the domestic work
19 hiring entity;

20 (II) the interest on the amount
21 described in subclause (I) calculated
22 at the prevailing rate;

23 (III) an additional amount as liq-
24 uidated damages; and

1 (IV) such other legal relief as
2 may be appropriate;

3 (ii) such equitable relief as may be ap-
4 propriate, including employment, reinstate-
5 ment, and promotion; and

6 (iii) a reasonable attorney's fee, rea-
7 sonable expert witness fees, and other costs
8 of the action.

9 (C) MEAL AND REST BREAKS.—In the case
10 of a violation of section 115, the domestic work
11 hiring entity involved shall be liable under sub-
12 paragraph (B)—

13 (i) for the amount of damages de-
14 scribed in subclauses (I), (II), and (III) of
15 subparagraph (B)(i); and

16 (ii) under subparagraph (B)(i)(IV),
17 for each such violation, for an amount
18 equal to 1 hour of pay at the domestic
19 worker's regular rate of compensation (but
20 not more than 2 hours of such pay for
21 each workday for which the domestic work
22 hiring entity is in violation of such sec-
23 tion).

24 (D) WRITTEN AGREEMENTS.—In the case
25 of a violation of section 110, the domestic work

1 hiring entity involved shall be liable, under sub-
 2 paragraph (B)(i)(I), for an amount equal to
 3 \$5,000.

4 (E) VENUE.—An action under this para-
 5 graph may be maintained in any Federal or
 6 State court of competent jurisdiction.

7 (4) ACTION BY THE SECRETARY.—

8 (A) ADMINISTRATIVE ACTION.—

9 (i) IN GENERAL.—Subject to clause
 10 (ii), and subparagraphs (C) and (D) of
 11 paragraph (3), the Secretary shall receive,
 12 investigate, and attempt to resolve com-
 13 plaints of violations of this subtitle in the
 14 same manner that the Secretary receives,
 15 investigates, and attempts to resolve com-
 16 plaints of violations of sections 6, 7, and
 17 15(a)(3) of the Fair Labor Standards Act
 18 of 1938 (29 U.S.C. 206, 207, and
 19 215(a)(3)), including the Secretary's au-
 20 thority to supervise payment of wages and
 21 compensation under section 16(c) of the
 22 Fair Labor Standards Act of 1938 (29
 23 U.S.C. 216(c)).

24 (ii) VIOLATIONS GENERALLY.—The
 25 Secretary may assess a civil penalty

1 against a domestic work hiring entity that
2 violates any section of this subtitle—

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

7 (II) of not more than \$25,000
8 for any subsequent violation of any
9 such section by such domestic work
10 hiring entity.

11 (B) ADMINISTRATIVE REVIEW.—Any ag-
12 grieved dislocated worker who takes exception
13 to an order issued by the Secretary under sub-
14 paragraph (A) may request review of and a de-
15 cision regarding such order by an administra-
16 tive law judge. In reviewing the order, the ad-
17 ministrative law judge may hold an administra-
18 tive hearing concerning the order, in accordance
19 with the requirements of sections 554, 556, and
20 557 of title 5, United States Code. Such hear-
21 ing shall be conducted expeditiously. If no ag-
22 grieved dislocated worker requests such review
23 within 60 days after the order is issued under
24 subparagraph (A), the order shall be considered

1 to be a final order that is not subject to judicial
2 review.

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

8 (D) SUMS RECOVERED.—

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

20 (ii) CIVIL PENALTY.—Any sums re-
21 covered by the Secretary under subpara-
22 graph (A)(ii) shall be deposited into the
23 general fund of the Treasury of the United
24 States as a miscellaneous receipt.

25 (5) LIMITATION.—

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

7 (B) WILLFUL VIOLATION.—In the case of
8 an action brought for a willful violation of this
9 subtitle, such action may be brought not later
10 than 3 years after the date of the last event
11 constituting the alleged violation for which such
12 action is brought.

13 (C) COMMENCEMENT.—An action shall be
14 considered commenced under paragraph (3),
15 (4), or (6) for the purposes of this paragraph
16 on the date on which the complaint is filed
17 under such paragraph (3), (4), or (6).

18 (6) ACTION FOR INJUNCTION.—The district
19 courts of the United States together with the Dis-
20 trict Court of the Virgin Islands and the District
21 Court of Guam shall have jurisdiction, for cause
22 shown, in an action brought by a domestic worker
23 or the Secretary—

24 (A) to restrain violations of this subtitle,
25 including the withholding of a written agree-

1 ment from a domestic worker as required under
2 section 110, or of any withholding of payment
3 of wages, salary, employment benefits, or other
4 compensation, plus interest, found by the court
5 to be due to a domestic worker under this sub-
6 title; or

7 (B) to award such other equitable relief as
8 may be appropriate, including employment, re-
9 instatement, and promotion, for a violation of
10 this subtitle.

11 (7) SOLICITOR OF LABOR.—The Solicitor of
12 Labor may appear for and represent the Secretary
13 on any litigation brought under paragraph (4) or
14 (6).

15 (8) GOVERNMENT ACCOUNTABILITY OFFICE
16 AND LIBRARY OF CONGRESS.—Notwithstanding any
17 other provision of this subsection, in the case of the
18 Government Accountability Office and the Library of
19 Congress, the authority of the Secretary of Labor
20 under this subsection shall be exercised respectively
21 by the Comptroller General of the United States and
22 the Librarian of Congress.

23 (b) EMPLOYEES COVERED BY CONGRESSIONAL AC-
24 COUNTABILITY ACT OF 1995.—The powers, remedies, and
25 procedures provided in the Congressional Accountability

1 Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as de-
2 fined in section 101 of that Act (2 U.S.C. 1301)), or any
3 person, alleging a violation of section 202(a)(1) of that
4 Act (2 U.S.C. 1312(a)(1)) shall be the powers, remedies,
5 and procedures this Act provides to that Board, or any
6 person, alleging an unlawful employment practice in viola-
7 tion of this subtitle against a domestic worker described
8 in subsection (e)(1)(B).

9 (c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE
10 3, UNITED STATES CODE.—The powers, remedies, and
11 procedures provided in chapter 5 of title 3, United States
12 Code, to the President, the Merit Systems Protection
13 Board, or any person, alleging a violation of section
14 412(a)(1) of that title, shall be the powers, remedies, and
15 procedures this Act provides to the President, that Board,
16 or any person, respectively, alleging an unlawful employ-
17 ment practice in violation of this subtitle against a domes-
18 tic worker described in subsection (e)(1)(C).

19 (d) EMPLOYEES COVERED BY CHAPTER 63 OF TITLE
20 5, UNITED STATES CODE.—The powers, remedies, and
21 procedures provided in title 5, United States Code, to an
22 employing agency, provided in chapter 12 of that title to
23 the Merit Systems Protection Board, or provided in that
24 title to any person, alleging a violation of chapter 63 of
25 that title, shall be the powers, remedies, and procedures

1 this Act provides to that agency, that Board, or any per-
2 son, respectively, alleging an unlawful employment prac-
3 tice in violation of this subtitle against a domestic worker
4 described in subsection (e)(1)(D).

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

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

10 (A) 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)(A);

16 (B) 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)(B);

22 (C) 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)(C); and

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

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

12 (A) 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 clause (i) or (ii) of
16 subparagraph (A), and subparagraph (B), of
17 paragraph (3);

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

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

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

3 (D) as defined in section 3(b)(7) except
4 that a reference in that section to a person or
5 employer shall be considered to be a reference
6 to an employer described in subparagraphs
7 (A)(v) and (B) of paragraph (3)(A).

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

11 (A)(i) an employer, as defined in section
12 3(a), who is not covered under another clause
13 of this subparagraph;

14 (ii) an entity employing a State employee
15 described in section 304(a) of the Government
16 Employee Rights Act of 1991;

17 (iii) an employing office, as defined in sec-
18 tion 101 of the Congressional Accountability
19 Act of 1995;

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

22 (v) an employing agency covered under
23 subchapter V of chapter 63 of title 5, United
24 States Code; and

1 (B) an enterprise engaged in commerce or
2 in the production of goods for commerce.

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

6 **SEC. 119. EFFECT ON EXISTING EMPLOYMENT BENEFITS**
7 **AND OTHER LAWS.**

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

9 (1) supersede a provision in a collective bar-
10 gaining agreement; or

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

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

18 (1) affect the obligation of a domestic work hir-
19 ing entity to provide a reasonable accommodation in
20 the form of a change to the work schedule of a do-
21 mestic worker required under any other law, or to
22 otherwise comply with any other law;

23 (2) preempt, limit, or otherwise affect the appli-
24 cability of any State or local law that provides com-

1 parable or superior benefits for domestic workers to
 2 the requirements under this subtitle; or

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

6 (c) NO WAIVERS.—The rights and remedies in this
 7 subtitle may not be waived by a domestic worker through
 8 any agreement, policy, or form, or as a condition of em-
 9 ployment.

10 **Subtitle C—Domestic Worker** 11 **Health and Safety**

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

13 (a) IN GENERAL.—The Secretary shall award a
 14 grant, on a competitive basis, to an entity eligible under
 15 subsection (b), for a national hotline that domestic work-
 16 ers may call to report emergencies, seek emergency serv-
 17 ices, or seek support or guidance in lieu of emergency serv-
 18 ices.

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

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

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

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

5 (4) have a leadership or board structure that
6 includes domestic workers; and

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

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

10 (a) STANDARD FOR DOMESTIC WORKERS.—

11 (1) STANDARD.—

12 (A) IN GENERAL.—Not later than 1 year
13 after the date of enactment of this Act, the
14 Consumer Product Safety Commission shall, to
15 improve the health and safety of domestic work-
16 ers that clean private homes, promulgate a con-
17 sumer product safety standard under section 7
18 of the Consumer Product Safety Act (15 U.S.C.
19 2056) to require manufacturers of household
20 cleaning supplies to—

21 (i) make safety data sheets for any
22 household cleaning supply that contains a
23 hazardous chemical available on the
24 website of the manufacturer in a manner
25 that ensures such safety data sheets are

1 easily accessed via the name of the specific
2 product line;

3 (ii) translate such safety data sheets
4 into multiple languages, including all lan-
5 guages in which the Secretary, acting
6 through the Administrator of the Wage
7 and Hour Division, translates the basic in-
8 formation fact sheet published by the Ad-
9 ministrator; and

10 (iii) create and provide, for use on
11 small secondary containers, small labels
12 with the name of the product and its ingre-
13 dients as listed on the safety data sheet.

14 (B) CIVIL PENALTY.—Notwithstanding
15 section 20 of the Consumer Product Safety Act
16 (15 U.S.C. 2069), or any other provision of
17 that Act, any person that knowingly violates the
18 requirements of the standard promulgated
19 under subparagraph (A) shall be subject to a
20 civil penalty not to exceed \$500 for each viola-
21 tion.

22 (2) EDUCATIONAL MATERIALS FOR WORK-
23 ERS.—The Consumer Product Safety Commission
24 shall produce educational materials for consumers
25 and domestic workers regarding requirements for

1 safety data sheets and translate such materials into
2 multiple languages, including all languages described
3 in paragraph (1)(A)(ii).

4 (3) DEFINITIONS.—In this subsection:

5 (A) HAZARDOUS CHEMICAL.—The term
6 “hazardous chemical” has the meaning given
7 such term in section 1910.1200(c) of title 29,
8 Code of Federal Regulations, or a successor
9 regulation.

10 (B) HOUSEHOLD CLEANING SUPPLY.—The
11 term “household cleaning supply”—

12 (i) means any product, including a
13 soap or detergent containing a surfactant
14 as a wetting or dirt emulsifying agent, that
15 is used primarily for domestic or commer-
16 cial cleaning purposes, including the
17 cleansing of fabrics, dishes, food utensils,
18 and household and commercial premises;
19 and

20 (ii) does not include—

21 (I) food, drugs, or cosmetics, in-
22 cluding personal care items such as
23 toothpaste, shampoo, or hand soap; or

24 (II) products labeled, advertised,
25 marketed, or distributed for use pri-

1 marily as a pesticide subject to the
2 Federal Insecticide, Fungicide, and
3 Rodenticide Act (7 U.S.C. 136 et
4 seq.).

5 (C) SAFETY DATA SHEETS.—The term
6 “safety data sheets” means the safety data
7 sheets required under section 1910.1200 of title
8 29, Code of Federal Regulations, or a successor
9 regulation.

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

16 **SEC. 123. OCCUPATIONAL SAFETY AND HEALTH TRAINING**
17 **GRANTS.**

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

1 **SEC. 124. 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) Support for caregiving needs, including paid
21 leave, child care, and care for an individual related
22 to the survivor by blood or affinity or whose close
23 association with the survivor is the equivalent of a
24 family relationship.

25 (9) Any other support determined appropriate
26 by the Secretary.

1 (b) RECOMMENDATIONS.—The report required under
2 subsection (a) shall—

3 (1) include specific recommendations for each
4 type of support listed in paragraphs (1) through (8)
5 of such subsection; and

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

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

10 **SEC. 131. INCLUDING CERTAIN DOMESTIC WORKERS IN**
11 **CIVIL RIGHTS PROTECTIONS AGAINST DIS-**
12 **CRIMINATION IN EMPLOYMENT.**

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

16 **TITLE II—STANDARDS BOARD,**
17 **BENEFITS, AND WORKFORCE**
18 **INVESTMENT**

19 **SEC. 201. DOMESTIC WORKER STANDARDS BOARD.**

20 (a) ESTABLISHMENT AND PURPOSES.—The Sec-
21 retary shall establish a board to be known as the “Domes-
22 tic Worker Standards Board” (referred to in this section
23 as the “Board”) to investigate standards in the domestic
24 workers industry, and issue recommendations to the Sec-

1 retary under subsection (e)(1), in order to promote the
 2 health, safety, and well-being of domestic workers.

3 (b) MEMBERSHIP.—

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

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

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

12 (C) 1 shall be an individual appointed by
 13 the Secretary who is an expert on the domestic
 14 services sector from academia, the nonprofit
 15 sector, or a Federal, State, or local govern-
 16 mental agency.

17 (2) DOMESTIC WORKERS SEATS.—

18 (A) IN GENERAL.—The Secretary shall ap-
 19 point members of the Board representing do-
 20 mestic workers from among individuals nomi-
 21 nated under subparagraph (B) by eligible work-
 22 er organizations.

23 (B) SELECTION OF ELIGIBLE WORKER OR-
 24 GANIZATIONS.—The Secretary shall enter into
 25 agreements, on a competitive basis, with eligible

1 worker organizations for such organizations to
2 nominate individuals to serve as members of the
3 Board representing domestic workers.

4 (C) SELECTING INDIVIDUALS ON THE
5 BOARD.—For each individual nominated under
6 subparagraph (B), the Secretary shall submit a
7 report to Congress indicating whether the Sec-
8 retary has decided to appoint the individual to
9 the Board and the reasons for such decision.

10 (D) DEFINITION OF ELIGIBLE WORKER
11 ORGANIZATION.—In this paragraph, the term
12 “eligible worker organization” means an organi-
13 zation that—

14 (i) is not a hiring entity or employ-
15 ment agency;

16 (ii) represents members of the organi-
17 zation, including domestic workers;

18 (iii)(I) is described in paragraph (3),
19 (4), or (5) of section 501(c) of the Internal
20 Revenue Code of 1986, and exempt from
21 taxation under section 501(a) of such
22 Code; and

23 (II) is organized and operated for the
24 betterment of workers, including domestic
25 workers;

1 (iv) engages in public advocacy to pro-
2 mote the health and well-being of domestic
3 workers;

4 (v) has a governing structure that
5 promotes the decision-making power of do-
6 mestic workers; and

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

11 (3) DOMESTIC WORK HIRING ENTITY SEATS.—

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

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

24 (C) SELECTING INDIVIDUALS ON THE
25 BOARD.—

1 (i) IN GENERAL.—For each individual
2 nominated under subparagraph (B), the
3 Secretary shall submit a report to Con-
4 gress indicating whether the Secretary has
5 decided to appoint the individual to the
6 Board and the reasons for such decision.

7 (ii) REQUIREMENTS FOR APPOINT-
8 MENTS.—The Secretary shall ensure
9 that—

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

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

20 (III) not less than 1 seat under
21 this paragraph is filled by an indi-
22 vidual who relies on a personal care
23 aide or assistant financed through a
24 State Medicaid program under title

1 XIX of the Social Security Act (42
2 U.S.C. 1396 et seq.);

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

6 (aa) is an adult family mem-
7 ber of a Medicaid HCBS-eligible
8 elderly individual or an individual
9 with a disability;

10 (bb) is an informal provider
11 of in-home care to such Medicaid
12 HCBS-eligible elderly individual
13 or individual with a disability;
14 and

15 (cc) contracts with, or hires,
16 1 or more domestic workers to
17 provide additional care for the
18 Medicaid HCBS-eligible elderly
19 individual or individual with a
20 disability;

21 (V) a single domestic work hiring
22 entity does not fill more than 1 seat
23 under this paragraph; and

1 (VI) any domestic work hiring
2 entity serving on the Board satisfies
3 the requirements under clause (iii).

4 (iii) DISCLOSURE OF LABOR VIOLA-
5 TIONS.—

6 (I) IN GENERAL.—The Secretary
7 shall require that each domestic work
8 hiring entity that serves on the Board
9 disclose to the Secretary, with respect
10 to the preceding 5-year period—

11 (aa) any administrative mer-
12 its determination, arbitral award
13 or decision, or civil judgment,
14 rendered against the entity for a
15 violation of the labor laws listed
16 in subclause (II); and

17 (bb) any steps taken by the
18 entity to correct a violation of or
19 improve compliance with the
20 labor laws listed in subclause
21 (II), including any agreement en-
22 tered into with an enforcement
23 agency.

1 (II) LABOR LAWS.—The labor
2 laws described in this subclause are
3 each of the following:

4 (aa) The Fair Labor Stand-
5 ards Act of 1938 (29 U.S.C. 201
6 et seq.).

7 (bb) Title VII of the Civil
8 Rights Act of 1964 (42 U.S.C.
9 2000e et seq.).

10 (cc) The Occupational Safe-
11 ty and Health Act of 1970 (29
12 U.S.C. 651 et seq.).

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

22 (D) DEFINITION OF ELIGIBLE HIRING OR-
23 GANIZATION.—In this paragraph, the term “eli-
24 gible hiring organization” means an organiza-
25 tion that—

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

3 (II) is an association of 2 or more in-
4 dividuals who hire or contract with domes-
5 tic workers; and

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

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

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

19 (c) TERMS.—

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

23 (2) INITIAL MEMBERS.—The Secretary shall
24 stagger the terms of the Board members such
25 that—

1 (A) 6 of the initial members appointed to
2 the Board serve a term of 4 years, including 3
3 of the members described in subsection
4 (b)(1)(A) and 3 of the members described in
5 subsection (b)(1)(B); and

6 (B) 5 of the initial members appointed to
7 the Board serve a term of 2 years, including 2
8 of the members described in subsection
9 (b)(1)(A), 2 of the members described in sub-
10 section (b)(1)(B), and the member described in
11 subsection (b)(1)(C).

12 (3) VACANCIES.—

13 (A) IN GENERAL.—A vacancy on the
14 Board—

15 (i) shall not affect the powers of the
16 Board; and

17 (ii) shall be filled in the same manner
18 as the original appointment was made and
19 shall be subject to any conditions that ap-
20 plied with respect to the original appoint-
21 ment.

22 (B) FILLING UNEXPIRED TERMS.—An in-
23 dividual chosen to fill a vacancy shall be ap-
24 pointed for the unexpired term of the member
25 replaced.

1 (C) PRESUMPTION.—If a member of the
2 Board is unable to fill the duties of the member
3 in serving on the Board, or leaves the domestic
4 service industry, for a period that exceeds 90
5 days while serving on the Board, the seat of the
6 member shall be considered a vacancy for pur-
7 poses of this paragraph.

8 (d) MEETINGS.—

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

11 (2) PUBLIC NOTICE.—The call of the Chair-
12 person under paragraph (1) shall include notice to
13 the public of the meeting.

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

18 (e) STANDARDS.—

19 (1) PROCESS FOR RECOMMENDING STAND-
20 ARDS.—

21 (A) IN GENERAL.—Not later than 1 year
22 after the date of enactment of this Act, and
23 every 3 years thereafter, the Board shall issue
24 recommendations to the Secretary for standards

1 that affect the well-being of domestic workers,
2 including recommendations for—

3 (i) workplace standards for domestic
4 workers, including standards for—

5 (I) occupational safety and
6 health, that include the immediate
7 protection of domestic workers and
8 domestic work hiring entities from in-
9 fectionous diseases such as COVID-19;

10 (II) wages;

11 (III) hours;

12 (IV) benefits; and

13 (V) other matters that impact
14 working conditions; and

15 (ii) implementing and enforcing the
16 rights of domestic workers granted under
17 this Act and other Federal laws, including
18 rights for minimum wage, health, safety,
19 and other workplace standards.

20 (B) VOTING.—Any decision of the Board
21 regarding a recommendation issued under sub-
22 paragraph (A) shall be decided through a vote
23 of the Board. In any such vote:

24 (i) Each voting member of the Board
25 shall have 1 vote.

1 (ii) A quorum of the members of the
2 Board shall be required to be in attend-
3 ance at the vote. A quorum shall not be
4 formed if there are in attendance fewer
5 than—

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

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

10 (iii) The vote shall be agreed to upon
11 the affirmative vote of not less than a ma-
12 jority of the members of the Board present
13 and voting.

14 (2) RULEMAKING.—

15 (A) AUTHORITY.—Subject to requirements
16 under other law and paragraph (3), the Sec-
17 retary may issue a rule, in accordance with sec-
18 tion 553 of title 5, United States Code, regard-
19 ing any standard recommended by the Board
20 under paragraph (1).

21 (B) DECISION.—

22 (i) IN GENERAL.—Not later than 90
23 days after receiving a recommendation
24 from the Board under paragraph (1), the
25 Secretary shall issue a decision on—

1 (I) whether the Secretary will
2 issue a rule under subparagraph (A)
3 regarding such recommendation; and

4 (II) if the Secretary issues such a
5 rule, whether the Secretary will devi-
6 ate from such recommendation
7 through such rule.

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

17 (C) WORKPLACE STANDARDS.—No stand-
18 ard included in a rule issued under subpara-
19 graph (A) may be for a workplace standard
20 that is less protective of domestic workers than
21 any law in effect on the date of enactment of
22 this Act for domestic workers under any State
23 or local law.

24 (3) RECOMMENDATIONS TO CONGRESS.—

1 (A) IN GENERAL.—For any recommenda-
2 tion made by the Board under paragraph (1)
3 that the Secretary determines is not within the
4 authority of the Secretary, the Secretary shall
5 make a recommendation to Congress to take ac-
6 tion on the recommendation.

7 (B) HEARING AND INVESTIGATIONS.—Not
8 later than 1 year after such a recommendation
9 is made by the Secretary to Congress under
10 subparagraph (A), Congress shall conduct a
11 hearing on and investigate the recommendation.

12 (C) RULEMAKING.—This paragraph is en-
13 acted by Congress—

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

24 (ii) with full recognition of the con-
25 stitutional right of either House to change

1 the rules (so far as relating to the proce-
2 dure of that House) at any time, in the
3 same manner, and to the same extent as in
4 the case of any other rule of that House.

5 (f) POWERS.—

6 (1) HEARINGS.—

7 (A) IN GENERAL.—The Board may hold
8 such hearings, meet and act at such times and
9 places, take such testimony, and receive such
10 evidence as the Board considers advisable to
11 carry out this section.

12 (B) REQUIRED PUBLIC HEARINGS.—The
13 Board shall, prior to issuing any recommenda-
14 tion under this section, hold public hearings to
15 enable domestic workers across the United
16 States to have access to the Board. Any such
17 public hearing shall—

18 (i) be held at such a time, in such a
19 location, and in such a facility that ensures
20 accessibility for domestic workers;

21 (ii) include interpretation services in
22 the languages most commonly spoken by
23 domestic workers in the geographic region
24 of the hearing;

- 1 (iii) be held in each of the regions
2 served by the regional offices of the Wage
3 and Hour Division of the Department of
4 Labor; and
5 (iv) include worker organizations in
6 helping to populate the hearings.

7 (2) INFORMATION FROM FEDERAL AGENCIES.—

8 (A) IN GENERAL.—The Board may secure
9 directly from a Federal agency such informa-
10 tion as the Board considers necessary to carry
11 out this section.

12 (B) PROVISION OF INFORMATION.—On re-
13 quest of the Chairperson of the Board, the head
14 of the agency shall provide the information to
15 the Board.

16 (3) POSTAL SERVICES.—The Board may use
17 the United States mails in the same manner and
18 under the same conditions as other agencies of the
19 Federal Government.

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

22 (g) BOARD PERSONNEL MATTERS.—

23 (1) COMPENSATION OF MEMBERS.—

24 (A) NON-FEDERAL EMPLOYEES.—A mem-
25 ber of the Board who is not an officer or em-

1 employee of the Federal Government shall be com-
2 pensated at a rate equal to the daily equivalent
3 of the annual rate of basic pay prescribed for
4 level IV of the Executive Schedule under section
5 5315 of title 5, United States Code, for each
6 day (including travel time) during which the
7 member is engaged in the performance of the
8 duties of the Board.

9 (B) FEDERAL EMPLOYEES.—A member of
10 the Board who is an officer or employee of the
11 Federal Government shall serve without com-
12 pensation in addition to the compensation re-
13 ceived for the services of the member as an offi-
14 cer or employee of the Federal Government.

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

23 (3) STAFF.—

24 (A) IN GENERAL.—The Chairperson of the
25 Board may, without regard to the civil service

1 laws (including regulations), appoint and termi-
2 nate an executive director and such other addi-
3 tional personnel as are necessary to enable the
4 Board to perform the duties of the Board.

5 (B) REQUIRED STAFF MEMBERS.—The
6 Secretary shall, in accordance with subpara-
7 graph (A), designate no fewer than 2 full-time
8 staff members to support the operation of the
9 Board through logistical, administrative, and
10 legislative activities.

11 (C) CONFIRMATION OF EXECUTIVE DIREC-
12 TOR.—The employment of an executive director
13 shall be subject to confirmation by the Board.

14 (D) COMPENSATION.—

15 (i) IN GENERAL.—Except as provided
16 in clause (ii), the Chairperson of the Board
17 may fix the compensation of the executive
18 director and other personnel without re-
19 gard to the provisions of chapter 51 and
20 subchapter III of chapter 53 of title 5,
21 United States Code, relating to classifica-
22 tion of positions and General Schedule pay
23 rates.

24 (ii) MAXIMUM RATE OF PAY.—The
25 rate of pay for the executive director and

1 other personnel shall not exceed the rate
2 payable for level V of the Executive Sched-
3 ule under section 5316 of title 5, United
4 States Code.

5 (4) DETAIL OF FEDERAL GOVERNMENT EM-
6 PLOYEES.—

7 (A) IN GENERAL.—An employee of the
8 Federal Government may be detailed to the
9 Board without reimbursement.

10 (B) CIVIL SERVICE STATUS.—The detail of
11 the employee shall be without interruption or
12 loss of civil service status or privilege.

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

21 (h) RULE OF CONSTRUCTION FOR REPORTING RE-
22 QUIREMENTS.—

23 (1) IN GENERAL.—Neither the nomination by
24 an eligible worker organization of 1 or more individ-
25 uals to serve as members of the Board, nor service

1 on the Board by a representative of an eligible work-
2 er organization, shall—

3 (A) make the eligible worker organization
4 subject to the reporting requirements for labor
5 organizations under title II of the Labor-Man-
6 agement Reporting and Disclosure Act of 1959
7 (29 U.S.C. 431 et seq.); or

8 (B) be considered as a factor in any deter-
9 mination of whether the eligible worker organi-
10 zation is subject to such reporting require-
11 ments.

12 (2) LMRDA REQUIREMENTS.—The status of
13 an organization as an eligible worker organization
14 shall not, by itself, make the organization subject to
15 any reporting requirements under the Labor-Man-
16 agement Reporting and Disclosure Act of 1959 (29
17 U.S.C. 401 et seq.).

18 (3) DEFINITION OF ELIGIBLE WORKER ORGANI-
19 ZATION.—For purposes of this subsection, the term
20 “eligible worker organization” has the meaning
21 given such term in subsection (b)(2)(D).

22 (i) PROHIBITED ACTS.—No domestic work hiring en-
23 tity may take any action prohibited under paragraph (7)
24 of section 117(b) with respect to a domestic worker par-
25 ticipating as a member of, or taking an action described

1 in paragraph (8) of such section with respect to, the
2 Board.

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

8 (k) EFFECT ON EXISTING DOMESTIC WORKER BEN-
9 EFITS.—

10 (1) MORE PROTECTIVE.—Nothing in this sec-
11 tion shall be construed to diminish the obligation of
12 a domestic work hiring entity to comply with any
13 contract, collective bargaining agreement, or any do-
14 mestic worker benefit program or plan that provides
15 greater rights or benefits to domestic workers than
16 the rights established under this Act.

17 (2) LESS PROTECTIVE.—The rights established
18 for domestic workers under this section shall not be
19 diminished by any contract, collective bargaining
20 agreement, or any benefit program or plan.

21 **SEC. 202. DOMESTIC WORKERS' BENEFITS STUDY.**

22 (a) STUDY.—

23 (1) IN GENERAL.—The Secretary shall conduct
24 a study, which may be through a contract with an-
25 other entity, for the purpose of providing informa-

1 tion to labor organizations, domestic work hiring en-
2 tities, and the general public concerning how to in-
3 crease the number of domestic workers who have ac-
4 cess to a secure retirement, affordable health care,
5 unemployment insurance, life insurance, and other
6 common benefits provided to employees of large pri-
7 vate and public sector employers.

8 (2) MATTERS.—The study conducted under
9 paragraph (1) shall include—

10 (A) a review of—

11 (i) the levels of access to and usage of
12 benefits for domestic workers, including re-
13 tirement savings, health insurance, and re-
14 duced health care costs, paid sick time, un-
15 employment insurance, disability and life
16 insurance, and paid family and medical
17 leave;

18 (ii) barriers for domestic workers to—

19 (I) participate in the old-age,
20 survivors, and disability insurance
21 program established under title II of
22 the Social Security Act (42 U.S.C.
23 401 et seq.);

24 (II) obtain disability insurance;

1 (III) access and use benefits, in-
2 cluding the old-age, survivors, and
3 disability insurance program estab-
4 lished under title II of the Social Se-
5 curity Act (42 U.S.C. 401 et seq.),
6 the Medicare program established
7 under title XVIII of the Social Secu-
8 rity Act (42 U.S.C. 1395 et seq.), the
9 Medicaid program established under
10 title XIX of that Act (42 U.S.C. 1396
11 et seq.), unemployment insurance, any
12 benefits provided under the Patient
13 Protection and Affordable Care Act
14 (Public Law 111–148), including the
15 amendments made by that Act, paid
16 family and medical leave, paid sick
17 time, and any additional benefits iden-
18 tified by the Secretary, including such
19 benefits that are portable from job to
20 job;

21 (IV) otherwise access affordable
22 health insurance; and

23 (V) access any other benefits de-
24 scribed in clause (i);

1 (iii) the portability of work-related
2 benefits for domestic workers and the laws,
3 including regulations, preventing innova-
4 tion and improvement in the portability of
5 such benefits; and

6 (iv) whether domestic workers bene-
7 fitted from the emergency family and med-
8 ical leave and emergency paid sick leave
9 provisions under the Families First
10 Coronavirus Response Act (Public Law
11 116–127), including the amendments made
12 by that Act, and lessons learned from the
13 implementation of these provisions;

14 (B) an identification and analysis of State
15 and nongovernmental innovations that can serve
16 as potential replicable models on the national
17 level to increase access to work-related benefits
18 for domestic workers, through portability, out-
19 reach, enrollment, and other strategies;

20 (C) a comparison of the ability of domestic
21 workers to access, be eligible for, and partici-
22 pate in public and private sector work-related
23 benefits compared to such ability of other work-
24 ers;

1 (D) a study on the coverage of domestic
2 workers under State workers' compensation
3 laws, including in all 50 States, the District of
4 Columbia, and territories of the United States;
5 and

6 (E) recommendations for innovations and
7 reforms that would—

8 (i) ensure domestic workers could—

9 (I) access and use benefits, in-
10 cluding the old-age, survivors, and
11 disability insurance program estab-
12 lished under title II of the Social Se-
13 curity Act (42 U.S.C. 401 et seq.),
14 the Medicare program established
15 under title XVIII of the Social Secu-
16 rity Act (42 U.S.C. 1395 et seq.), the
17 Medicaid program established under
18 title XIX of that Act (42 U.S.C. 1396
19 et seq.), unemployment insurance, any
20 benefits provided under the Patient
21 Protection and Affordable Care Act
22 (Public Law 111–148), including the
23 amendments made by that Act, paid
24 family and medical leave, paid sick
25 time, and any additional benefits iden-

1 tified by the Secretary, including such
2 benefits that are portable from job to
3 job; and

4 (II) have contributions for the
5 benefits described in subclause (I)
6 from multiple hiring entities as appli-
7 cable;

8 (ii) provide adequate levels of such
9 benefits for domestic workers; and

10 (iii) enable a domestic worker to have
11 access to such benefits through multiple
12 jobs the worker may have.

13 (b) REPORT.—Not later than 15 months after the
14 date of enactment of this Act, the Secretary shall submit
15 to the President and Congress a report on the study con-
16 ducted under subsection (a) that includes each of the fol-
17 lowing:

18 (1) The findings and conclusions of the study,
19 including its findings and conclusions with respect to
20 the matters described in subsection (a)(2).

21 (2) Considerations for laws, including regula-
22 tions, that should be reviewed to address barriers
23 impacting domestic workers.

1 (3) Other information and recommendations
2 with respect to benefits for domestic workers as the
3 Secretary considers appropriate.

4 **SEC. 203. WORKFORCE INVESTMENT ACTIVITIES GRANTS**
5 **FOR DOMESTIC WORKERS.**

6 (a) DEFINITIONS.—In this section:

7 (1) SECRETARY.—The term “Secretary” means
8 the Secretary of Labor, in consultation with the Sec-
9 retary of Education and the Secretary of Health and
10 Human Services.

11 (2) SUPPORTIVE SERVICES; TRAINING SERV-
12 ICES; WORKFORCE INVESTMENT ACTIVITIES.—The
13 terms “supportive services”, “training services”, and
14 “workforce investment activities” have the meanings
15 given the terms in section 3 of the Workforce Inno-
16 vation and Opportunity Act (29 U.S.C. 3102).

17 (b) NATIONAL GRANT PROGRAM FOR DOMESTIC
18 WORKERS.—Every 3 years, the Secretary shall, on a com-
19 petitive basis, make grants to, or enter into contracts with,
20 eligible entities to carry out the activities described in sub-
21 section (d). The Secretary shall make the grants, or enter
22 into the contracts, for periods of 4 years.

23 (c) ELIGIBILITY.—

24 (1) ELIGIBLE ENTITIES.—

1 (A) IN GENERAL.—Subject to subpara-
2 graph (B), to be eligible to receive a grant or
3 enter into a contract under this section, an enti-
4 ty shall be—

5 (i)(I) a nonprofit organization that is
6 described in paragraph (3), (5), or (6) of
7 section 501(c) of the Internal Revenue
8 Code of 1986, and exempt from taxation
9 under section 501(a) of such Code;

10 (II) an organization with a board of
11 directors, at least one-half of the members
12 of which is comprised of—

13 (aa) domestic workers; or

14 (bb) representatives of an organi-
15 zation of such workers, which organi-
16 zation is independent from all busi-
17 nesses, organizations, corporations, or
18 individuals that would pursue any fi-
19 nancial interest in conflict with that
20 of the workers;

21 (III) an organization that is inde-
22 pendent as described in subclause (II)(bb);
23 and

1 (IV) an organization that has exper-
 2 tise in domestic work and the workforce of
 3 domestic workers;

4 (ii) an eligible provider of training
 5 services listed pursuant to section 122(d)
 6 of the Workforce Innovation and Oppor-
 7 tunity Act (29 U.S.C. 3152(d)); or

8 (iii) an entity that carries out a pro-
 9 gram registered under the Act of August
 10 16, 1937 (commonly known as the “Na-
 11 tional Apprenticeship Act”; 50 Stat. 664,
 12 chapter 663; 29 U.S.C. 50 et seq.).

13 (B) ELIGIBLE ENTITY THAT TRAINS PER-
 14 SONAL CARE AIDES OR ASSISTANTS.—In the
 15 case of an entity that plans to use a grant or
 16 cooperative agreement under this section to
 17 train personal care aides or assistants, such en-
 18 tity shall, to be eligible for such grant or con-
 19 tract, partner with individuals with disabilities
 20 or organizations that represent individuals with
 21 disabilities.

22 (2) PROGRAM PLAN.—

23 (A) IN GENERAL.—To be eligible to receive
 24 a grant or enter into a contract under this sec-
 25 tion, an entity described in paragraph (1) shall

1 submit to the Secretary of Labor a plan that
2 describes a 4-year strategy for meeting the
3 needs of domestic workers in the area to be
4 served by such entity.

5 (B) CONTENTS.—Such plan shall—

6 (i) describe the domestic worker popu-
7 lation to be served and identify the needs
8 of the population to be served for work-
9 force investment activities and related as-
10 sistance, which may include employment
11 and supportive services;

12 (ii) identify the manner in which ca-
13 reer pathways to be provided will strength-
14 en the ability of the domestic workers to be
15 served to obtain or retain employment and
16 to improve wages or working conditions,
17 including improved employment standards
18 and opportunities in the field of domestic
19 work;

20 (iii) specifically address how the fund-
21 ing provided through the grant or contract
22 for services under this section to domestic
23 workers will improve wages and skills for
24 domestic workers in a way that helps meet
25 the need to recruit workers for and retain

1 workers in in-demand occupations or ca-
2 reers; and

3 (iv) in the case of an entity that plans
4 to serve domestic workers who are personal
5 care aides or assistants through the grant
6 or contract, provide an assurance that the
7 workforce investment activities and related
8 assistance carried out under this section
9 will include relevant training for such do-
10 mestic workers—

11 (I) regarding the rights of recipi-
12 ents of home and community based
13 services, including the rights of such
14 recipients to—

15 (aa) receive services in inte-
16 grated settings that provide ac-
17 cess to the broader community;

18 (bb) exercise self-determina-
19 tion;

20 (cc) be free from all forms
21 of abuse, neglect, or exploitation;
22 and

23 (dd) receive person-centered
24 planning and practices, including

1 through the participation of such
2 recipients in planning activities;

3 (II) to ensure that each partici-
4 pant of such training has the nec-
5 essary skills to recognize abuse and
6 understand their obligations with re-
7 gard to reporting and responding to
8 abuse appropriately in accordance
9 with relevant Federal and State law;
10 and

11 (III) regarding the provision of
12 culturally competent and disability-
13 competent supports to recipients of
14 services provided by personal care
15 aides or assistants.

16 (3) AWARDS AND ADMINISTRATION.—The
17 grants and contracts under this subsection shall be
18 awarded by the Secretary using full and open com-
19 petitive procedures and shall be administered by the
20 Secretary.

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

1 (1) outreach, employment, training services,
2 educational assistance, digital literacy assistance,
3 English language and literacy instruction, worker
4 safety training, supportive services, school dropout
5 prevention and recovery activities, individual career
6 services, and career pathways;

7 (2) follow-up services for those individuals
8 placed in employment;

9 (3) development or education as needed by eligi-
10 ble individuals as identified;

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

15 (5) the creation or maintenance of employment
16 and training-related placement services, including
17 digital placement services.

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

23 (f) ELIGIBLE PROVIDER PERFORMANCE REPORTS.—
24 Each eligible entity shall prepare performance reports to
25 report on outcomes achieved by the programs of workforce

1 investment activities and related assistance carried out
2 under this section. The performance report for an eligible
3 entity shall include, with respect to each such program (re-
4 ferred to in this subsection as a “program of study”) of
5 such provider—

6 (1) information specifying the levels of perform-
7 ance achieved with respect to the primary indicators
8 of performance described in subclauses (I) through
9 (V) of section 116(b)(2)(A)(i) of the Workforce In-
10 novation and Opportunity Act (29 U.S.C.
11 3141(b)(2)(A)(i)) with respect to all individuals en-
12 gaging in the program of study;

13 (2) the total number of individuals exiting from
14 the program of study;

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

17 (4) the total number of participants who exited
18 from training services, disaggregated by the type of
19 entity that provided the training services, during the
20 most recent program year and the 3 preceding pro-
21 gram years;

22 (5) the average cost per participant for the par-
23 ticipants who received training services,
24 disaggregated by the type of entity that provided the

1 training services, during the most recent program
2 year and the 3 preceding program years; and

3 (6) information on indicators specified by the
4 Secretary concerning the impact of the training serv-
5 ices on the wages, skills, recruitment, and retention
6 of participants.

7 **SEC. 204. REPORT ON CAREER PATHWAYS, TRAINING**
8 **STANDARDS, AND APPRENTICESHIPS FOR**
9 **DOMESTIC WORKERS.**

10 (a) DEFINITION.—In this section, the term “Sec-
11 retary” means the Secretary of Labor, acting in consulta-
12 tion with the Secretary of Education and the Secretary
13 of Health and Human Services.

14 (b) PREPARATION.—

15 (1) IN GENERAL.—The Secretary shall conduct
16 an interim study and a final study regarding the de-
17 velopment of career pathways, national training
18 standards, registered apprenticeship programs, and
19 credentials for domestic workers who work in health
20 care.

21 (2) CONTENTS.—The study required under
22 paragraph (1) shall—

23 (A)(i) examine how the establishment or
24 expansion of career pathways, national training
25 standards, registered apprenticeship programs,

1 or credentials could enable the Nation to meet
2 the growing demand for domestic workers; and

3 (ii) make recommendations on whether
4 and, if so, how that establishment could im-
5 prove wages and working conditions across the
6 domestic worker industry;

7 (B)(i) examine how the creation or expan-
8 sion of registered apprenticeship programs for
9 domestic workers, including such programs con-
10 ducted at work sites of domestic workers and
11 such programs that use peer educators and peer
12 mentors for such workers, could improve oppor-
13 tunities for such workers; and

14 (ii) make recommendations on whether
15 and, if so, how, that creation or expansion could
16 improve wages and working conditions across
17 the domestic worker industry; and

18 (C) examine whether any amendments to
19 the Workforce Innovation and Opportunity Act
20 (29 U.S.C. 3101 et seq.) after the date of en-
21 actment of this Act should include assistance,
22 through grants and contracts, specifically for
23 domestic workers to improve outreach, training,
24 education, and other assistance and support ac-
25 tivities for such workers.

1 (3) CONSULTATION.—The study under para-
 2 graph (1) shall be conducted in consultation with
 3 representatives of domestic workers, experts in the
 4 field of domestic work, and domestic worker-led or-
 5 ganizations.

6 (c) SUBMISSION OF REPORTS.—

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

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

17 **TITLE III—IMPLEMENTATION OF**
 18 **THE DOMESTIC WORKERS**
 19 **BILL OF RIGHTS**

20 **SEC. 301. DEFINITIONS.**

21 In this title:

22 (1) DOMESTIC WORKERS BILL OF RIGHTS.—
 23 The term “domestic workers bill of rights”—

24 (A) means the rights and protections pro-
 25 vided to domestic workers under this Act, and

1 the amendments made by this Act, including
2 (as applicable)—

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

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

10 (iii) any minimum wage for domestic
11 workers that may be established pursuant
12 to a recommendation to Congress under
13 section 201(e)(3);

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

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

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

1 (I) the right to a written agree-
2 ment under section 110;

3 (II) the right to earned paid sick
4 time provided under section 111;

5 (III) the fair scheduling practices
6 required under section 112;

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

11 (V) the privacy protections under
12 section 114;

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

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

22 (VIII) the protection against re-
23 taliation under section 117(b); and

24 (vii) the availability of—

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

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

16 (III) the national domestic work-
17 er hotline supported under section
18 121, including the phone number and
19 other contact methods for the hotline;
20 and

21 (B) includes any rules promulgated by the
22 Secretary under this Act, or the amendments
23 made by this Act, and any standard rec-
24 ommended by the Board that is promulgated as

1 such a rule or otherwise implemented by the
2 Secretary.

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

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

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

12 (I) domestic workers; or

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

20 (ii) is independent, as described in
21 clause (i)(II);

22 (iii) has expertise in domestic service
23 and the workforce of domestic workers,
24 and has a track record of working with do-
25 mestic workers; and

1 (iv) operates in a jurisdiction with a
2 significant population of domestic workers;

3 or

4 (B) a partnership of organizations de-
5 scribed in subparagraph (A).

6 (3) NOTICE OF DOMESTIC WORKER RIGHTS.—

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

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

11 (a) PROVIDING NOTICE OF RIGHTS TO DOMESTIC
12 WORKERS.—

13 (1) NOTICE OF RIGHTS.—The Secretary shall
14 create, and make available, a notice of domestic
15 worker rights document that describes the rights
16 and protections provided by the domestic workers
17 bill of rights and any other protections and other
18 rights afforded under Federal law to domestic work-
19 ers.

20 (2) AVAILABILITY AND ACCESSIBILITY OF NO-
21 TICE.—The notice of domestic worker rights shall
22 be—

23 (A) a written document made available on-
24 line, including through the website described in
25 subsection (b); and

(B) available in English, Spanish, and other languages understood by domestic workers, which shall be determined by the Secretary and include, at a minimum, the translation languages for the basic information fact sheet (or any successor document) produced by the Department of Labor.

(b) ESTABLISHING A DOMESTIC WORKERS RIGHTS WEBSITE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a single web page on the website of the Department of Labor that summarizes in plain language the rights of domestic workers under the domestic workers bill of rights.

SEC. 303. INTERAGENCY TASK FORCE ON DOMESTIC WORKERS BILL OF RIGHTS ENFORCEMENT.

(a) ESTABLISHMENT.—There is established an Interagency Task Force on Domestic Workers Bill of Rights Enforcement (referred to in this section as the “Task Force”).

(b) MEMBERS.—The Task Force shall consist of—

(1) representatives of the Department of Labor selected by the Secretary, including representatives of the Wage and Hour Division, Occupational Safety and Health Administration, and Office of the Solicitor of Labor;

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

7 (3) representatives of the Equal Employment
8 Opportunity Commission, selected by the Commis-
9 sion.

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

13 (d) DUTIES.—

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

18 (A) examine the issues and challenges fac-
19 ing domestic workers who come forward to en-
20 force their workplace rights;

21 (B) identify challenges agencies enforcing
22 these workplace rights have in reaching domes-
23 tic workers and enforcing, including by con-
24 ducting hearings in each of the regions served
25 by the regional offices of the Wage and Hour

1 Division of the Department of Labor to hear di-
2 rectly from domestic workers, advocates, and
3 officials or employees of such agencies in the re-
4 gional and local areas; and

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

9 (i) how to reach, and enforce the
10 rights of, domestic workers who work in
11 private homes;

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

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

22 (2) REPORT.—By not later than 1 year after
23 the date of the first meeting of the Task Force, the
24 Task Force shall prepare and submit a report to

1 Congress regarding the recommendations described
2 in paragraph (1)(C).

3 (3) JOINT ENFORCEMENT.—

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

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

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

19 (A) conduct an audit of the Federal en-
20 forcement strategies relating to the rights of
21 domestic workers; and

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

24 (5) CONSULTATION REGARDING COMMUNITY-
25 BASED ENFORCEMENT DEMONSTRATION

1 PROJECTS.—Upon the request of the Secretary, the
2 Task Force shall review, and provide recommenda-
3 tions regarding, the applications for community-
4 based enforcement grants under section 304.

5 **SEC. 304. NATIONAL GRANT FOR COMMUNITY-BASED EDU-**
6 **CATION, OUTREACH, AND ENFORCEMENT OF**
7 **DOMESTIC WORKER RIGHTS.**

8 (a) PROGRAM AUTHORIZED.—

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

17 (A) enhance the enforcement of the domes-
18 tic workers bill of rights and other workplace
19 rights provided to domestic workers under rel-
20 evant Federal, State, and local laws;

21 (B) educate domestic workers of their
22 rights under the domestic workers bill of rights
23 and other workplace rights under Federal,
24 State, and local laws;

1 (C) educate domestic work hiring entities
2 regarding their responsibilities and obligations
3 under the domestic workers bill of rights and
4 other relevant Federal, State, and local laws;
5 and

6 (D) assist domestic workers in pursuing
7 their workplace rights under the domestic work-
8 ers bill of rights and other relevant Federal,
9 State, or local laws.

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

13 (b) APPLICATIONS.—

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

18 (2) PARTNERSHIP APPLICATIONS.—In the case
19 of an eligible entity that is a partnership, the eligible
20 entity may designate, in the application, a single or-
21 ganization in the partnership as the lead entity for
22 purposes of receiving and disbursing funds.

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

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

8 (B) information on the training and edu-
9 cation that will be provided to domestic workers
10 and domestic work hiring entities under such
11 program.

12 (c) SELECTION.—

13 (1) IN GENERAL.—Subject to paragraph (2),
14 the Secretary shall award grants under this section
15 on a competitive basis.

16 (2) DISTRIBUTION THROUGH REGIONS.—In
17 awarding grants under this section, the Secretary
18 shall ensure that a grant is awarded to an eligible
19 entity in each region represented by a regional office
20 of the Wage and Hour Division of the Department
21 of Labor, to the extent practicable based on the
22 availability of appropriations and the applications
23 submitted.

24 (d) USE OF FUNDS.—An eligible entity receiving a
25 grant under this section shall use grant funds to develop

1 a community partnership and establish and support,
2 through the partnership, 1 or more of the following activi-
3 ties:

4 (1) Disseminating information and conducting
5 outreach and training to educate domestic workers
6 about the rights and protections provided under the
7 domestic workers bill of rights.

8 (2) Conducting educational training for domes-
9 tic work hiring entities about their obligations under
10 the domestic workers bill of rights.

11 (3) Conducting orientations and training jointly
12 with relevant Federal agencies, including the Inter-
13 agency Task Force established under section 303,
14 regarding the rights and protections provided under
15 the domestic workers bill of rights.

16 (4) Providing mediation services between pri-
17 vate-pay employers and workers.

18 (5) Providing assistance to domestic workers in
19 filing claims relating to violations of the domestic
20 workers bill of rights, either administratively or in
21 court.

22 (6) Monitoring compliance by domestic work
23 hiring entities with the domestic workers bill of
24 rights.

1 (7) Establishing networks for education, com-
2 munication, and participation in the community re-
3 lating to the domestic workers bill of rights.

4 (8) Evaluating the effectiveness of programs de-
5 signed to prevent violations of the domestic workers
6 bill of rights and enforce the domestic workers bill
7 of rights.

8 (9) Recruiting and hiring staff and volunteers
9 for the activities described in this subsection.

10 (10) Producing and disseminating outreach and
11 training materials.

12 (11) Any other activity as the Secretary may
13 reasonably prescribe through notice and comment
14 rulemaking.

15 (e) MEMORANDA OF UNDERSTANDING.—

16 (1) IN GENERAL.—Not later than 60 days after
17 receiving a grant under this section, an eligible enti-
18 ty shall negotiate and finalize with the Secretary a
19 memorandum of understanding that sets forth spe-
20 cific goals, objectives, strategies, and activities that
21 will be carried out under the grant by the eligible
22 entity through a community partnership.

23 (2) SIGNATURES.—A representative of the eligi-
24 ble entity receiving a grant (or, in the case of an eli-
25 gible entity that is a partnership, a representative of

1 each organization in the partnership) and the Sec-
2 retary shall sign the memorandum of understanding
3 under this subsection.

4 (3) REVISIONS.—A memorandum of under-
5 standing under this subsection shall be reviewed and
6 revised by the eligible entity and the Secretary each
7 year for the duration of the grant.

8 (f) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated such sums as may be
10 necessary to carry out this section.

11 **SEC. 305. ENCOURAGING THE USE OF FISCAL INTER-**
12 **MEDIARIES.**

13 Not later than 1 year after the date of enactment
14 of this Act, the Secretary of Labor shall issue a rule to
15 facilitate the use of fiscal intermediaries that enable pay-
16 ments between domestic workers and domestic work hiring
17 entities, to improve transparency, enforcement, and work-
18 ing conditions of domestic workers.

19 **SEC. 306. J-1 VISA PROGRAM.**

20 (a) RULE OF CONSTRUCTION.—Nothing in this Act
21 or the amendments made by this Act shall be construed
22 to limit the authority of the Secretary of Labor or the
23 States to enforce labor laws, or promulgate regulations,
24 with respect to work performed by an individual who is—

1 (1) participating in an exchange visitor pro-
2 gram described in section 62.31 of title 22, Code of
3 Federal Regulations (or a successor regulation); and

4 (2) present in the United States pursuant to a
5 visa issued under section 101(a)(15)(J) of the Immi-
6 gration and Nationality Act (8 U.S.C.
7 1101(a)(15)(J)).

8 (b) NOTIFICATION OF RIGHTS.—

9 (1) IN GENERAL.—Not later than 180 days
10 after the date of enactment of this Act, the Sec-
11 retary of State and any sponsor designated under
12 subsection (b) of section 62.31 of title 22, Code of
13 Federal Regulations (or a successor regulation), to
14 carry out an au pair program shall—

15 (A) notify each au pair participating in the
16 program of his or her rights under the Fair
17 Labor Standards Act of 1938 (29 U.S.C. 201
18 et seq.); and

19 (B) provide to each such au pair—

20 (i) a description of the services pro-
21 vided by the Wage and Hour Division of
22 the Department of Labor; and

23 (ii) information with respect to the
24 manner in which the au pair may contact

1 the Department of Labor to request assist-
2 ance.

3 (2) APPLICABILITY OF DOMESTIC WORKER RE-
4 QUIREMENTS.—The notice requirement under para-
5 graph (1) shall be in addition to all other protections
6 or notices that apply to a domestic worker who is
7 also an individual participating in an au pair pro-
8 gram.

9 **SEC. 307. APPLICATION TO DOMESTIC WORKERS WHO PRO-**
10 **VIDE MEDICAID-FUNDED SERVICES.**

11 (a) REGULATIONS TO APPLY DOMESTIC WORKER
12 PROTECTIONS AND RIGHTS.—Not later than 1 year after
13 the date of enactment of this Act, the Secretary and the
14 Secretary of Health and Human Services jointly shall de-
15 velop and issue the following regulations:

16 (1) Regulations regarding the application of the
17 protections and rights afforded to domestic workers
18 including personal care aide or assistants who pro-
19 vide services described in subsection (b) that are
20 funded under the State plan under title XIX of the
21 Social Security Act (42 U.S.C. 1396 et seq.) or
22 under a waiver of such plan including through a con-
23 tract or other arrangement with a managed care en-
24 tity (as defined in section 1932(a)(1)(B) of the So-
25 cial Security Act (42 U.S.C. 1396u–2(a)(1)(B))), to

1 individuals enrolled in such plan or waiver. The reg-
2 ulations issued under this paragraph shall recognize
3 the role of self-directed care for individuals with dis-
4 abilities and shall—

5 (A) protect, stabilize, and expand the do-
6 mestic worker and personal care aide or assist-
7 ant workforce;

8 (B) recognize the role of self-directed care
9 for individuals with disabilities;

10 (C) prohibit States from requiring individ-
11 uals with disabilities who self-direct their care
12 to use their direct service budget to pay for
13 costs resulting from the application of such pro-
14 tections and rights to domestic workers (such
15 as paid sick time, penalties, or overtime pay)
16 except to the extent that such costs are directly
17 related to the provision of services described in
18 subsection (b) to such individuals;

19 (D) facilitate Federal and State compli-
20 ance with section 504 of the Rehabilitation Act
21 of 1973 (29 U.S.C. 794), the Americans with
22 Disabilities Act of 1990 (42 U.S.C. 12101 et
23 seq.), and the holdings of the Supreme Court in
24 *Olmstead v. L.C.*, 527 U.S. 581 (1999), and
25 companion cases; and

1 (E) prohibit States from reducing the level
2 at which States make medical assistance for the
3 services described in subsection (b) available
4 under the State plan under title XIX of the So-
5 cial Security Act (42 U.S.C. 1396 et seq.) or
6 under a waiver of such plan as a result of the
7 application of protections and rights afforded to
8 domestic workers who provide such services.

9 (2) Regulations regarding—

10 (A) mechanisms for States to use to pay
11 for the costs described in paragraph (1)(C), in-
12 cluding, to the extent the Secretaries determine
13 appropriate, through the establishment of a
14 dedicated State fund, using funds appropriated
15 to a State agency, and using fiscal inter-
16 mediaries; and

17 (B) how States may use funds provided as
18 a result of the increased Federal medical assist-
19 ance percentage for services provided by domes-
20 tic workers under section 1905(jj) of such Act
21 (42 U.S.C. 196d(jj)) (as added by section 401)
22 for such costs.

23 (b) SERVICES DESCRIBED.—The services described
24 in this subsection are the following:

1 (1) Home health care services authorized under
2 paragraph (7) of section 1905(a) of the Social Secu-
3 rity Act (42 U.S.C. 1396d(a)).

4 (2) Personal care services authorized under
5 paragraph (24) of such section.

6 (3) PACE services authorized under paragraph
7 (26) of such section.

8 (4) Home and community-based services au-
9 thorized under subsections (b), (c), (i), (j), and (k)
10 of section 1915 of such Act (42 U.S.C. 1396n), such
11 services authorized under a waiver under section
12 1115 of such Act (42 U.S.C. 1315), and such serv-
13 ices provided through coverage authorized under sec-
14 tion 1937 of such Act (42 U.S.C. 1396u–7).

15 (5) Case management services authorized under
16 section 1905(a)(19) of the Social Security Act (42
17 U.S.C. 1396d(a)(19)) and section 1915(g) of such
18 Act (42 U.S.C. 1396n(g)).

19 (6) Rehabilitative services, including those re-
20 lated to behavioral health, described in section
21 1905(a)(13) of such Act (42 U.S.C. 1396d(a)(13)).

22 (7) Such other services specified by the Sec-
23 retary of Health and Human Services.

1 **SEC. 308. DELAYED ENFORCEMENT FOR GOVERNMENT-**
2 **FUNDED PROGRAMS.**

3 (a) IN GENERAL.—Notwithstanding any other provi-
4 sion of this Act, the Secretary shall delay all enforcement
5 relating to the provisions of this Act, or the amendments
6 made by this Act, with respect to a Federal, State, or local
7 governmental agency, or an entity operating under a
8 grant, contract, or other agreement for such agency until
9 the day that is 2 years after the date of enactment of this
10 Act.

11 (b) EXTENSION OPTION.—The Secretary may extend
12 the 2-year delay period in enforcement under subsection
13 (a) with respect to a Federal, State, or local governmental
14 agency, or an entity operating under a grant, contract,
15 or other agreement for such agency for an additional 1-
16 year period, if, through a process established by the Sec-
17 retary, the Secretary determines the delay appropriate. In
18 applying the preceding sentence, a delay in issuing the
19 regulations required under section 307 shall be deemed a
20 reason to extend the delayed enforcement period.

21 (c) DELAY OF ENFORCEMENT THROUGH CIVIL AC-
22 TIONS BY DOMESTIC WORKERS PROVIDING SERVICES
23 FUNDED UNDER MEDICAID.—No action may be brought
24 under section 118(a)(3) against a domestic work hiring
25 entity that receives payment under a State Medicaid plan
26 or waiver under title XIX of the Social Security Act for

1 providing any services described in section 307(b), until
 2 on or after the date that is 2 years after the date of enact-
 3 ment of this Act.

4 **TITLE IV—FUNDING**

5 **SEC. 401. TEMPORARY INCREASE IN THE FEDERAL MED-** 6 **ICAL ASSISTANCE PERCENTAGE FOR MED-** 7 **ICAID-FUNDED SERVICES PROVIDED BY DO-** 8 **MESTIC WORKERS.**

9 (a) IN GENERAL.—Section 1905 of the Social Secu-
 10 rity Act (42 U.S.C. 1396d) is amended—

11 (1) in subsection (b), by striking “and (ii)” and
 12 inserting “(ii), and (jj)”; and

13 (2) by adding at the end the following new sub-
 14 section:

15 “(jj) INCREASED FMAP FOR MEDICAL ASSISTANCE
 16 FOR SERVICES PROVIDED BY DOMESTIC WORKERS.—

17 “(1) AMOUNT OF INCREASE.—

18 “(A) IN GENERAL.—Notwithstanding sub-
 19 section (b), with respect to amounts expended
 20 by a State for medical assistance described in
 21 paragraph (2) that is provided by a personal
 22 care aide or assistant during a quarter within
 23 the twenty-quarter period beginning with the
 24 first quarter that begins after the date of enact-
 25 ment of this subsection, the Federal medical as-

1 sistance percentage for the State and the quar-
2 ter that applies to such expenditures shall, after
3 application of any increase to the Federal med-
4 ical assistance percentage for the State and
5 quarter, if applicable, under subsection (y), (z),
6 (aa), or (ii) of this section, section 1915(k), sec-
7 tion 6008 of the Families First Coronavirus Re-
8 sponse Act, section 9817 of the American Res-
9 cue Plan Act, or any other provision of law, be
10 increased by 4 percentage points (not to exceed
11 100 percent).

12 “(B) DISREGARD FROM TERRITORIAL PAY-
13 MENT CAPS.—Any payment made to Puerto
14 Rico, the Virgin Islands, Guam, the Northern
15 Mariana Islands, or American Samoa for ex-
16 penditures on medical assistance that are sub-
17 ject to the Federal medical assistance percent-
18 age increase specified under subparagraph (A)
19 shall not be taken into account for purposes of
20 applying payment limits under subsections (f)
21 and (g) of section 1108.

22 “(2) MEDICAL ASSISTANCE DESCRIBED.—The
23 medical assistance described in this paragraph is the
24 following:

1 “(A) Home health care services authorized
2 under paragraph (7) of subsection (a).

3 “(B) Personal care services authorized
4 under paragraph (24) of such subsection.

5 “(C) PACE services authorized under
6 paragraph (26) of such subsection.

7 “(D) Home and community-based services
8 authorized under subsections (b), (c), (i), (j),
9 and (k) of section 1915, such services author-
10 ized under a waiver under section 1115, and
11 such services provided through coverage author-
12 ized under section 1937.

13 “(E) Case management services authorized
14 under subsection (a)(19) and section 1915(g).

15 “(F) Rehabilitative services, including
16 those related to behavioral health, described in
17 subsection (a)(13).

18 “(G) Such other services specified by the
19 Secretary.

20 “(3) MAINTENANCE OF EFFORT REQUIRE-
21 MENT.—A State may not receive the increase de-
22 scribed in paragraph (1) with respect to a quarter
23 if the eligibility standards, methodologies, or proce-
24 dures applicable to the provision of medical assist-
25 ance described in paragraph (2) under the State

1 plan (or waiver of such plan) are more restrictive
 2 during such quarter than the eligibility standards,
 3 methodologies, or procedures, respectively, applicable
 4 to the provision of such assistance under such plan
 5 (or waiver) as in effect on the date of enactment of
 6 this subsection.

7 “(4) PERSONAL CARE AIDE OR ASSISTANT DE-
 8 FINED.—In this subsection, the term ‘personal care
 9 aide or assistant’ has the meaning given that term
 10 in section 3(b)(11) of the Domestic Workers Bill of
 11 Rights Act and includes any individual who provides
 12 medical assistance described in paragraph (2) for
 13 compensation.”.

14 (b) APPLICATION TO CHIP.—Section 2105(a) of the
 15 Social Security Act (42 U.S.C. 1397ee(a)) is amended by
 16 adding at the end the following new paragraph:

17 “(5) CHILD HEALTH ASSISTANCE PROVIDED BY
 18 DOMESTIC WORKERS.—

19 “(A) IN GENERAL.—Notwithstanding para-
 20 graph (1) and subsection (b), the Secretary
 21 shall pay to each State with a plan approved
 22 under this title, from its allotment under sec-
 23 tion 2104, an amount, for each quarter within
 24 the twenty-quarter period beginning with the
 25 first quarter that begins after the date of enact-

1 ment of this paragraph, equal to the enhanced
2 FMAP, increased by 4 percentage points (not
3 to exceed 100 percent) of expenditures in the
4 quarter for child health assistance and preg-
5 nancy-related assistance described in subpara-
6 graph (B) that are provided under the plan for
7 targeted low-income children and targeted low-
8 income women.

9 “(B) CHILD HEALTH ASSISTANCE AND
10 PREGNANCY-RELATED ASSISTANCE DE-
11 SCRIBED.—The child health assistance and
12 pregnancy-related assistance described in this
13 subparagraph are the following:

14 “(i) Home and community-based
15 health care services and related supportive
16 services under paragraph (14) of section
17 2110 (other than training for family mem-
18 bers, and minor modifications to the
19 home).

20 “(ii) Rehabilitative services under
21 paragraph (24) of section 2110.”.

1 **SEC. 402. PROCESS FOR DETERMINING AN INCREASED**
2 **FMAP TO ENSURE A ROBUST HOMECARE**
3 **WORKFORCE UNDER MEDICAID.**

4 (a) DATA COLLECTION.—The Secretary of Health
5 and Human Services, acting through the Assistant Sec-
6 retary for Planning and Evaluation (referred to in this
7 section as “ASPE”), shall enter into arrangements with
8 States to collect State Medicaid program data on the per-
9 sonal care aide or assistant workforce. The data collected
10 under such arrangements shall include the following:

11 (1) Rates of retention and turnover of personal
12 care aide or assistants by program type and State.

13 (2) Causes of such turnover.

14 (3) Numbers and types of personal care aide or
15 assistants impacted by this Act and the amendments
16 made by this Act, including, but not limited to, with
17 respect to—

18 (A) personal care aide or assistants pro-
19 viding services to individuals who are enrolled
20 in a State Medicaid program, including, in the
21 case of individuals enrolled under a waiver of
22 such program, the types of waivers involved;
23 and

24 (B) personal care aide or assistants pro-
25 viding services to individuals who are not en-
26 rolled in a State Medicaid program.

1 (4) Wages earned by personal care aide or as-
2 sistants in each State.

3 (5) Variations in wages across types of employ-
4 ers of personal care aide or assistants.

5 (6) Any other such data as ASPE determines
6 relevant to studying how to improve the recruitment
7 and retention of the personal care aide or assistant
8 workforce.

9 (b) PROPOSED FMAP INCREASE.—

10 (1) IN GENERAL.—Based on the data collected
11 under arrangements entered into under subsection
12 (a), ASPE shall determine a proposed increased
13 FMAP for amounts expended by a State for medical
14 assistance described in section 1905(jj)(2) of the So-
15 cial Security Act (42 U.S.C. 1396d(jj)(2)) (as added
16 by section 401) under the State Medicaid program
17 that is provided by a personal care aide or assistant.

18 (2) REQUIREMENTS.—The proposed increased
19 FMAP shall be designed to do the following:

20 (A) Provide adequate reimbursement under
21 State Medicaid programs for increased costs for
22 Federal, State, and local changes in wages and
23 benefits for personal care aide or assistants as
24 a result of this Act and the amendments made
25 by this Act.

1 (B) Improve the rates of retention and re-
2 cruitment of personal care aide or assistants.

3 (C) Ensure the independence and integra-
4 tion of individuals with disabilities who rely on
5 personal care aide or assistants.

6 (3) CONSULTATION.—In determining such pro-
7 posed increased FMAP, ASPE shall consult with the
8 Domestic Worker Wage and Standards Board and
9 shall provide that Board with the opportunity to
10 make formal written comments on ASPE’s final pro-
11 posed increased FMAP before the report required
12 under subsection (c) is submitted to Congress.

13 (c) REPORT.—

14 (1) DEADLINE.—Not later than 1 year after
15 the date of enactment of this Act, ASPE shall sub-
16 mit a report to Congress that includes the following:

17 (A) The proposed increased FMAP deter-
18 mined by ASPE.

19 (B) An explanation of the benefits of using
20 the proposed increased FMAP calculation for—

21 (i) the personal care aide or assistant
22 workforce; and

23 (ii) elderly individuals and individuals
24 with disabilities who are provided medical
25 assistance described in section 1905(jj)(2)

1 of the Social Security Act (42 U.S.C.
2 1396d(jj)(2)) (as added by section 401) by
3 a personal care aide or assistant, as well as
4 to family caregivers.

5 (C) The written comments, if any, sub-
6 mitted by the Domestic Worker Wage and
7 Standards Board to ASPE prior to the submis-
8 sion of the report.

9 (D) Suggestions for how States and the
10 Federal Government can improve the process of
11 obtaining timely, uniform data under State
12 Medicaid programs regarding the personal care
13 aide or assistant workforce.

14 (E) Methods of ensuring parity in wages
15 and working conditions of domestic workers
16 covered under this bill and workers performing
17 substantially similar Medicaid funded occupa-
18 tions such as in congregate settings.

19 (2) OPTIONAL ADDENDUM.—Not later than 90
20 days after the report required under paragraph (1)
21 is submitted to Congress, the Domestic Worker
22 Wage and Standards Board may submit an adden-
23 dum to the report to Congress that contains the
24 Board's views regarding the proposed increased
25 FMAP and report submitted by ASPE.

1 (d) DEFINITIONS.—In this section:

2 (1) PERSONAL CARE AIDE OR ASSISTANT.—The
3 term “personal care aide or assistant” has the
4 meaning given that term in section 1905(jj)(4) of
5 the Social Security Act (42 U.S.C. 1396d(jj)(4)).

6 (2) FMAP.—The term “FMAP” means the
7 Federal medical assistance percentage, as defined in
8 section 1905(b) of the Social Security Act (42
9 U.S.C. 1396d(b)), as determined without regard to
10 this section.

11 (3) STATE.—The term “State” has the mean-
12 ing given that term in section 1101 of the Social Se-
13 curity Act (42 U.S.C. 1301) for purposes of title
14 XIX of that Act.

15 (4) STATE MEDICAID PROGRAM.—The term
16 “State Medicaid program” means, with respect to a
17 State, the program for medical assistance carried
18 out by a State under a State plan under title XIX
19 of the Social Security Act (42 U.S.C. 1396 et seq.)
20 and any waiver of that plan.

21 **SEC. 403. AUTHORIZATION OF APPROPRIATIONS.**

22 There are authorized to be appropriated to carry out
23 this Act, and the amendments made by this Act, such
24 sums as may be necessary.

1 **TITLE V—SEVERABILITY**

2 **SEC. 501. SEVERABILITY.**

3 If any provision of this Act, or an amendment made
4 by this Act, or the application of such provision or amend-
5 ment to any person or circumstance, is held to be invalid,
6 the remainder of this Act, or an amendment made by this
7 Act, or the application of such provision or amendment
8 to other persons or circumstances, shall not be affected.

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