

117TH CONGRESS
1ST SESSION

S. 2569

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

IN THE SENATE OF THE UNITED STATES

JULY 29, 2021

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

A BILL

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

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

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

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

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

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

TITLE I—DOMESTIC WORKER RIGHTS AND PROTECTIONS

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

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

Subtitle B—Domestic Worker Rights

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

Subtitle C—Domestic Worker Health and Safety

- Sec. 121. National domestic worker hotline.
- Sec. 122. Access to health and safety.
- Sec. 123. Occupational safety and health training grants.
- Sec. 124. 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
5 homes to provide home and personal care, child care,
6 and house-cleaning services.

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

14 (3) During the COVID–19 pandemic, domestic
15 work and other low-wage service jobs, disproportion-
16 ately held by women, women of color, and immi-
17 grants, have been deemed essential. This crisis has
18 shown how essential these jobs have always been to
19 our economy. At great risk to the health of them-
20 selves and their families, domestic workers have
21 worked on the frontlines of the pandemic to provide

1 care to those more vulnerable to COVID–19, seniors,
2 and individuals with disabilities, and have provided
3 child care for the children of essential workers. A
4 study of Black immigrant domestic workers con-
5 ducted by the Institute for Policy Studies and the
6 National Domestic Workers Alliance in May and
7 June of 2020 found that 25 percent of workers sur-
8 veyed experienced or lived with someone who has ex-
9 perience COVID–19 symptoms. 73 percent of such
10 workers surveyed indicated that they did not re-
11 ceived personal protective equipment (“PPE”) from
12 their employers.

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

24 (5) The employment of individuals in domestic
25 service in households affects commerce, as described

1 in section 2(a) of the Fair Labor Standards Act of
2 1938 (29 U.S.C. 202(a)).

3 (6) Domestic workers are hired or contacted for
4 work by phone, mail, or internet, or through news-
5 paper ads, and travel to work through transpor-
6 tation on interstate highways, interstate transit, or
7 vehicles in interstate commerce.

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

10 (A) the number of new jobs for home
11 health and personal care aides will increase by
12 34 percent, which is an increase of 1,159,500
13 jobs and the largest increase in new jobs of any
14 occupational category during such period; and

15 (B) the number of new jobs for child care
16 and house cleaning positions will increase by 6
17 to 7 percent.

18 (8) The COVID–19 pandemic has increased the
19 demand for in-home child care. According to the
20 Center for Translational Neuroscience, the percent-
21 age of parents reporting use of home-based child
22 care has grown since the onset of the pandemic from
23 27 percent to 31 percent.

24 (9) An increasing number of workers, including
25 domestic workers, are finding work on online plat-

1 forms. An analysis from the JPMorgan Chase Insti-
2 tute found that between 2013 and 2018, the per-
3 centage of adults that had earned income from on-
4 line platforms increased from 0.3 percent to 1.5 per-
5 cent.

6 (10) 9 out of 10 domestic workers are women,
7 and such women are disproportionately people of
8 color and immigrants. Women, people of color, and
9 immigrants have historically faced barriers to em-
10 ployment and economic advancement. According to
11 the Economic Policy Institute, domestic workers also
12 tend to be older than other workers. 2 in 5 domestic
13 workers are age 50 or older, while just $\frac{1}{3}$ of all
14 other workers are at least 50 years old.

15 (11) Domestic workers are paid low wages, can
16 be subjected to workplace health and safety hazards,
17 and face difficulties saving for retirement. An Eco-
18 nomic Policy Institute analysis of data from the
19 Current Population Survey indicates that the aver-
20 age wage for a domestic worker is approximately
21 \$12 per hour or \$15,980 per year if working full-
22 time. In practice, the average wage for a domestic
23 worker is less than such approximation given that
24 domestic work has largely been negotiated in the in-
25 formal labor market.

1 (12) Low-wage workers, including domestic
2 workers, experience high rates of minimum wage
3 and overtime violations, violations of laws related to
4 workers' compensation and other workplace benefits,
5 and illegal retaliation. A 2017 study from the Eco-
6 nomic Policy Institute found that 2,400,000 work-
7 ers—17 percent of the low-wage workforce—experi-
8 ences wage theft. A 2009 report from the National
9 Employment Law Project found that employment in
10 private homes was one of the 3 industries with the
11 highest rates of employment and labor law viola-
12 tions.

13 (13) A landmark study of domestic workers
14 published in 2012 by the National Domestic Work-
15 ers Alliance and the Center for Urban Economic De-
16 velopment of the University of Illinois at Chicago
17 Data Center titled “Home Economics: The Invisible
18 and Unregulated World of Domestic Work” indi-
19 cated poor working conditions across the domestic
20 workers industry. The findings of such study in-
21 cluded that—

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

1 (B) 35 percent of domestic workers inter-
2 viewed reported that they worked long hours
3 without breaks in the year immediately pre-
4 ceding the interview;

5 (C) 25 percent of live-in domestic workers
6 had responsibilities that prevented them from
7 getting at least 5 hours of uninterrupted sleep
8 at night during the week immediately preceding
9 the interview; and

10 (D) 91 percent of domestic workers inter-
11 viewed who encountered problems with their
12 working conditions in the year immediately pre-
13 ceding the interview did not complain about
14 their working conditions because they were
15 afraid they would lose their job.

16 (14) The study described in paragraph (13)
17 found that domestic workers have little access to
18 federally supported employment benefits. For in-
19 stance—

20 (A) less than 2 percent of such workers re-
21 ceive retirement or pension benefits, and less
22 than 9 percent of such workers work for em-
23 ployers that collect payroll taxes on wages paid
24 to such workers to provide eligibility for Social
25 Security benefits; and

1 (B) 65 percent of such workers do not
2 have health insurance, and only 4 percent of
3 such workers receive employer-provided insur-
4 ance, despite the fact that domestic work is
5 hazardous and often results in illness or phys-
6 ical injuries.

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

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

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

19 (18) Many domestic workers are also vulnerable
20 to discrimination and sexual harassment. These
21 issues are further exacerbated by the unique working
22 conditions faced by domestic workers, such as isola-
23 tion, poverty, immigration status, the lack of famili-
24 arity with the law and legal processes, limited net-

1 works for support, language barriers, and fear of re-
2 taliation and deportation.

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

14 **SEC. 3. DEFINITIONS.**

15 (a) FAIR LABOR STANDARDS ACT DEFINITIONS.—
16 In this Act—

17 (1) the terms “commerce”, “employ”, “em-
18 ployee”, “employer”, “enterprise”, “enterprise en-
19 gaged in commerce or in the production of goods for
20 commerce”, “goods”, “person”, and “State” have
21 the meanings given such terms in section 3 of the
22 Fair Labor Standards Act of 1938 (29 U.S.C. 203);
23 and

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

4 (b) OTHER DEFINITIONS.—In this Act:

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

9 (2) CHILD.—The term “child”—

10 (A) means an individual who is under 18
11 years of age; and

12 (B) includes an individual described in
13 subparagraph (A) who is—

14 (i) a biological, foster, or adopted
15 child;

16 (ii) a stepchild;

17 (iii) a child of a domestic partner;

18 (iv) a legal ward; or

19 (v) a child of a person standing in
20 loco parentis.

21 (3) DISABILITY.—The term “disability” has the
22 meaning given the term in section 3 of the Ameri-
23 cans with Disabilities Act of 1990 (42 U.S.C.
24 12102).

25 (4) DOMESTIC PARTNER.—

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

(B) COMMITTED RELATIONSHIP DEFINED.—The term “committed relationship” for purposes of subparagraph (A)—

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

(ii) includes any such relationship between 2 individuals, including individuals of the same sex, that is granted legal recognition by a State or political subdivision of a State as a marriage or analogous relationship, including a civil union or domestic partnership.

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

(A) means services—

(i) of a household nature;

(ii) provided in interstate commerce;

and

1 (iii) performed by an individual in or
 2 about a private home (permanent or tem-
 3 porary); and

4 (B) includes services performed by individ-
 5 uals such as companions, babysitters, cooks,
 6 waiters, butlers, valets, maids, housekeepers,
 7 nannies, nurses, janitors, laundresses, care-
 8 takers, handymen, gardeners, home health
 9 aides, personal care aides or assistants, and
 10 chauffeurs of automobiles for family use.

11 (6) DOMESTIC WORKER.—The term “domestic
 12 worker”—

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

17 (B) does not include—

18 (i) an individual who is a family mem-
 19 ber, friend, neighbor, or parent of a child
 20 and who provides child care for the child in
 21 the child’s home;

22 (ii) any individual who is—

23 (I) an employee of a family child
 24 care provider; or

1 (II) a family child care provider;

2 and

3 (iii) any employee described in section
4 13(a)(15) of the Fair Labor Standards Act
5 of 1938 (29 U.S.C. 213(a)(15)).

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

8 (A) means any person who provides com-
9 pensation directly or indirectly to a domestic
10 worker for the performance of domestic serv-
11 ices; and

12 (B) includes—

13 (i) a person acting directly or indi-
14 rectly in the interest of a hiring entity in
15 relation to a domestic worker; and

16 (ii) an employer of a domestic worker.

17 (8) FAMILY CHILD CARE PROVIDER.—The term
18 “family child care provider” means 1 or more indi-
19 viduals who provide child care services, in a private
20 residence other than the residence of the child re-
21 ceiving the services, for fewer than 24 hours per day
22 for the child (unless the nature of the work of the
23 parent of the child requires 24-hour care).

1 (9) MEDICAID HCBS-ELIGIBLE ELDERLY INDI-
2 VIDUAL.—The term “Medicaid HCBS-eligible elderly
3 individual” means an individual who—

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

5 (B) is eligible for and enrolled for medical
6 assistance for any of the following services
7 (whether provided on a fee-for-service, risk, or
8 other basis) under a State Medicaid program
9 under title XIX of the Social Security Act (42
10 U.S.C. 1396 et seq.) (including any waiver or
11 demonstration under such title or under section
12 1115 of such Act (42 U.S.C. 1315) relating to
13 such title), and includes an individual who be-
14 comes eligible for medical assistance under a
15 State Medicaid program when removed from a
16 waiting list:

17 (i) Home health care services author-
18 ized under paragraph (7) of section
19 1905(a) of the Social Security Act (42
20 U.S.C. 1396d(a)).

21 (ii) Personal care services authorized
22 under paragraph (24) of such section.

23 (iii) PACE services authorized under
24 paragraph (26) of such section.

(iv) Home and community-based services authorized under subsections (b), (c), (i), (j), and (k) of section 1915 of such Act (42 U.S.C. 1396n), such services authorized under a waiver under section 1115 of such Act (42 U.S.C. 1315), and such services provided through coverage authorized under section 1937 of such Act (42 U.S.C. 1396u–7).

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

(vi) Rehabilitative services, including those related to behavioral health, described in section 1905(a)(13) of such Act (42 U.S.C. 1396d(a)(13)).

(vii) Such other services specified by the Secretary of Health and Human Services.

(10) PARENT.—The term “parent”, with respect to a parent of a domestic worker, means a biological, foster, or adoptive parent of a domestic worker, a stepparent of a domestic worker, parent-

1 in-law of a domestic worker, parent of a domestic
2 partner of a domestic worker, or a legal guardian or
3 other person who stood in loco parentis to the do-
4 mestic worker when the worker was a child.

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

8 (12) PERSONAL CARE SERVICES.—The term
9 “personal care services” means assistance provided
10 to an individual who is not an inpatient or resident
11 of a hospital, nursing facility, intermediate care fa-
12 cility for individuals with intellectual disabilities, or
13 institution for mental disease that enables the recipi-
14 ent to accomplish activities of daily living or instru-
15 mental activities of daily living.

16 (13) SECRETARY.—The term “Secretary”
17 means the Secretary of Labor.

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

1 (15) SHARED LIVING ARRANGEMENT.—The
2 term “shared living arrangement” means a living ar-
3 rangement involving—

4 (A) not more than 2 individuals who are
5 an individual with a disability or a Medicaid
6 HCBS-eligible elderly individual, except if 1 or
7 more of the individuals are related to each
8 other (by blood or a close association that is
9 equivalent to a family relationship);

10 (B) an individual providing services for
11 compensation and living in the private home of
12 the recipient of such services;

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

17 (D) a stipend or room and board as the
18 primary form of payment for the individual pro-
19 viding such services; and

20 (E) the individual receiving such services
21 having the final decision regarding who is the
22 provider of such services living with the indi-
23 vidual, through a consumer-driven matching
24 process that includes relationship building, per-
25 son-centered planning as defined by the Admin-

1 istrator of the Centers for Medicare & Medicaid
 2 Services, and an assessment of individual com-
 3 patibility.

4 (16) SPOUSE.—The term “spouse”, with re-
 5 spect to a domestic worker, has the meaning given
 6 such term by the marriage laws of the State in
 7 which the marriage was celebrated.

8 **TITLE I—DOMESTIC WORKER**
 9 **RIGHTS AND PROTECTIONS**
 10 **Subtitle A—Amendments to the**
 11 **Fair Labor Standards Act of 1938**

12 **SEC. 101. OVERTIME PROTECTIONS FOR LIVE-IN DOMESTIC**
 13 **EMPLOYEES.**

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

16 **SEC. 102. LIVE-IN DOMESTIC EMPLOYEES TERMINATION**
 17 **NOTICES AND COMMUNICATIONS.**

18 (a) IN GENERAL.—The Fair Labor Standards Act of
 19 1938 (29 U.S.C. 201 et seq.) is amended by inserting
 20 after section 7 (29 U.S.C. 207) the following:

21 **“SEC. 8. LIVE-IN DOMESTIC EMPLOYEES TERMINATION NO-**
 22 **TICES AND COMMUNICATIONS.**

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

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

3 “(2) in any workweek is engaged in commerce
4 or in the production of goods for commerce or is em-
5 ployed in an enterprise engaged in commerce or in
6 the production of goods for commerce.

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

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

13 “(A) written notice of the termination not
14 later than 48 hours after such termination; and

15 “(B)(i) not less than 30 calendar days of
16 lodging at—

17 “(I) the household premises of the
18 employer, as customarily provided by the
19 employer; or

20 “(II) another premise of a comparable
21 lodging condition; or

22 “(ii) severance pay in an amount equiva-
23 lent to the average earnings of the live-in do-
24 mestic employee for 2 weeks of employment
25 during the preceding 6 months.

1 “(2) OFF-SITE LODGING OR SEVERANCE.—If an
2 employer chooses to provide a live-in domestic em-
3 ployee who is terminated, as described in paragraph
4 (1), lodging described in paragraph (1)(B)(i)(II) or
5 severance pay described in paragraph (1)(B)(ii), the
6 employer shall allow the live-in domestic employee
7 not less than 48 hours after the notice provided
8 under paragraph (1)(A) to vacate the household of
9 the employer.

10 “(3) EXCEPTION.—

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

20 “(B) GOOD FAITH ALLEGATIONS.—A good
21 faith allegation described in this subparagraph
22 shall be—

23 “(i) made in writing and provided to
24 the employee not later than 48 hours after

1 the employer has knowledge of the conduct
2 of the employee;

3 “(ii) supported by a reasonable basis
4 and belief; and

5 “(iii) made without reckless disregard
6 or willful ignorance of the truth.

7 “(c) COMMUNICATIONS FOR LIVE-IN DOMESTIC EM-
8 PLOYEES.—

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

12 “(A) provide the employee with the ability,
13 and reasonable opportunity, to access telephone
14 and internet services in accordance with para-
15 graph (2); and

16 “(B) without interference by the employer,
17 permit the employee to send and receive com-
18 munications by text message, social media, elec-
19 tronic or regular mail, and telephone calls.

20 “(2) TELEPHONE AND INTERNET SERVICES.—

21 “(A) EMPLOYER WITH SERVICES.—If an
22 employer requires an employee to be a live-in
23 domestic employee and has telephone or inter-
24 net services for the household of the employer,
25 the employer shall provide the live-in domestic

1 employee with reasonable access to such serv-
 2 ices without charge to the employee.

3 “(B) EMPLOYER WITHOUT SERVICES.—If
 4 an employer requires an employee to be a live-
 5 in domestic employee and does not have tele-
 6 phone or internet services for the household of
 7 the employer, the employer—

8 “(i) shall provide the live-in domestic
 9 employee with a reasonable opportunity to
 10 access such services at another location;
 11 and

12 “(ii) shall not be required to pay for
 13 such services.”.

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

17 **SEC. 103. ENFORCEMENT.**

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

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

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

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

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

6 (1) in subsection (b), by inserting “Any em-
7 ployer who violates section 8(b) shall be liable to the
8 employee affected in an amount of severance pay
9 that is calculated, with respect to the employee, in
10 accordance with section 8(b)(1)(B)(ii), and in an ad-
11 ditional equal amount as liquidated damages. Any
12 employer who violates section 8(c) shall be liable to
13 the employee affected in an amount that is not to
14 exceed \$2,000 for each violation.” after the third
15 sentence; and

16 (2) in subsection (c), by adding at the end the
17 following: “The authority and requirements de-
18 scribed in this subsection shall also apply with re-
19 spect to a violation of section 8, as appropriate, and
20 the employer shall be liable for the amounts de-
21 scribed in subsection (b) for violations of such sec-
22 tion.”.

23 (c) INJUNCTION PROCEEDINGS.—Section 17 of the
24 Fair Labor Standards Act of 1938 (29 U.S.C. 217) is
25 amended by striking “(except sums” and inserting “and

1 in the case of violations of section 15(a)(6) the restraint
 2 of any withholding of severance pay and other damages
 3 found by the court to be due to employees under this Act
 4 (except, in either case, sums”.

5 (d) STATUTE OF LIMITATIONS.—Section 6 of the
 6 Portal-to-Portal Act of 1947 (29 U.S.C. 255) is amended,
 7 in the matter preceding subsection (a), by inserting “(and
 8 any cause of action to enforce section 8 of such Act)” after
 9 “under the Fair Labor Standards Act of 1938, as amend-
 10 ed”.

11 **Subtitle B—Domestic Worker** 12 **Rights**

13 **SEC. 110. WRITTEN AGREEMENTS.**

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

20 (b) REQUIREMENT.—Each domestic work hiring enti-
 21 ty shall provide a written agreement in accordance with
 22 this section to each covered domestic worker hired by the
 23 entity.

24 (c) WRITTEN AGREEMENT REQUIREMENTS.—

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

3 (A) be signed and dated by the covered do-
4 mestic worker and the domestic work hiring en-
5 tity;

6 (B) be written in a language easily and
7 fully understood by the covered domestic worker
8 and the domestic work hiring entity, which may
9 be in multiple languages if the worker and the
10 entity do not easily and fully understand the
11 same language; and

12 (C) include the contents described in sub-
13 section (d).

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

19 (d) CONTENTS OF THE WRITTEN AGREEMENT.—

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

22 (A) The full name, address, and contact
23 information of the domestic work hiring entity,
24 including, as appropriate, any “doing business
25 as” name of the entity and the name of each

1 individual of the domestic work hiring entity
2 who will be doing business with the covered do-
3 mestic worker.

4 (B) The address for the location where the
5 covered domestic worker will be providing do-
6 mestic services for the domestic work hiring en-
7 tity.

8 (C) All responsibilities to be performed by
9 the covered domestic worker for the domestic
10 work hiring entity, and the regularity in which
11 such responsibilities are to be performed.

12 (D) The regular rate of pay of the covered
13 domestic worker for any work week, including
14 any overtime compensation due.

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

17 (F) The required working hours for any
18 work week, including—

19 (i) the time of day and day of week
20 the work of the covered domestic worker
21 begins;

22 (ii) meal and rest breaks described in
23 section 115;

24 (iii) time off;

1 (iv) the work schedule of the worker
2 at the time of hire, including—

3 (I) the time of day and the days
4 of the week the covered domestic
5 worker will be expected to work for
6 the domestic work hiring entity each
7 week; or

8 (II) if the time of day or the days
9 of the week that the domestic worker
10 will be expected to work for the do-
11 mestic work hiring entity will vary
12 from week to week, information re-
13 garding a good faith estimate of the
14 days and hours for which the covered
15 domestic worker will be expected to
16 work for the domestic work hiring en-
17 tity each week, including, at min-
18 imum—

19 (aa) the average number of
20 hours the covered domestic work-
21 er will be expected to work for
22 the domestic work hiring entity
23 each week during a typical 90-
24 day period;

1 (bb) whether the covered do-
2 mestic worker can expect to work
3 any on-call shifts, as defined in
4 paragraph (3), for the domestic
5 work hiring entity;

6 (cc) a subset of days the
7 covered domestic worker can
8 typically expect to work (or to be
9 scheduled as off from work) for
10 the domestic work hiring entity;
11 and

12 (dd) the amount of notice
13 that the domestic work hiring en-
14 tity will provide to the domestic
15 worker in advance of scheduled
16 work hours (as defined in section
17 112(a)), which shall not be less
18 than 72 hours before such sched-
19 uled work hours are to begin (ex-
20 cept during a period described in
21 subparagraph (A) of section
22 112(e)(1), in a case described in
23 subparagraph (B) of section
24 112(e)(1), or in the case of a
25 shared living arrangement), and

1 the manner in which such notice
2 shall be provided;

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

5 (vi) the right to request and receive a
6 change to scheduled work hours due to
7 personal events as described in section
8 113.

9 (G) If applicable, any policies of the do-
10 mestic work hiring entity with respect to the
11 covered domestic worker for paying for or pro-
12 viding reimbursement for—

13 (i) health insurance;

14 (ii) transportation, meals, or lodging;

15 and

16 (iii) any fees or costs associated with
17 the domestic services provided by the cov-
18 ered domestic worker for the entity.

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

22 (i) annual or other pay increases;

23 (ii) severance pay; and

24 (iii) providing materials or equipment
25 related to the performance of domestic

1 service by the covered domestic worker, in-
2 cluding (if applicable) any cleaning sup-
3 plies provided by the entity.

4 (I) Information about policies, procedures,
5 and equipment related to safety and emer-
6 gencies.

7 (J) The policy of the domestic work hiring
8 entity pertaining to notice of termination of the
9 covered domestic worker by the domestic work
10 hiring entity.

11 (K) In the case of a covered domestic
12 worker who resides in the household of the per-
13 son for whom the domestic worker provides do-
14 mestic services—

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

19 (ii) the circumstances under which the
20 covered domestic worker, in a shared living
21 arrangement, may enter the designated liv-
22 ing space of the domestic work hiring enti-
23 ty; and

1 (iii) a description of certain cir-
2 cumstances the domestic work hiring entity
3 determines as cause for—

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

6 (II) subject (as applicable) to
7 section 8(b) of the Fair Labor Stand-
8 ards Act of 1938, removal of the cov-
9 ered domestic worker from the house-
10 hold of the person for whom the work-
11 er provides domestic services not later
12 than 48 hours after notice of the ter-
13 mination.

14 (L) Any additional benefits afforded to the
15 covered domestic worker by the domestic work
16 hiring entity.

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

20 (N) The process used by the domestic work
21 hiring entity to change any policy described in
22 subparagraphs (A) through (M), including ad-
23 dressing additional compensation if responsibil-
24 ities are added to those described in subpara-

1 graph (C), after the date on which the written
2 agreement is provided to the domestic worker.

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

5 (A) contain—

6 (i) a mandatory pre-dispute arbitra-
7 tion agreement for claims made by a cov-
8 ered domestic worker against a domestic
9 work hiring entity regarding the legal
10 rights of the worker; or

11 (ii) a non-disclosure agreement, non-
12 compete agreement, or non-disparagement
13 agreement, limiting the ability of the cov-
14 ered domestic worker to seek compensation
15 for performing domestic services after the
16 worker ceases to receive compensation
17 from the domestic work hiring entity for
18 the performance of domestic services; and

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

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

1 (A) be available to work; and

2 (B) wait to contact, or be contacted by, the
3 domestic work hiring entity, or a designee of
4 the entity, to determine whether the worker
5 shall report to work during such time.

6 (e) TIMING.—

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

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

14 (B) to each covered domestic worker hired
15 on or prior to the date of enactment of this Act,
16 90 days after such date of enactment.

17 (2) SUBSEQUENT AGREEMENTS.—Not later
18 than 30 calendar days after the date on which a do-
19 mestic work hiring entity makes a change to a writ-
20 ten agreement provided to a covered domestic work-
21 er under this section, the domestic work hiring enti-
22 ty shall provide the domestic worker with an up-
23 dated agreement in accordance with this section.

24 (f) RECORDS.—A domestic work hiring entity that is
25 required to provide a written agreement under this section

1 to a covered domestic worker shall retain such agreement
 2 for a period of not less than 3 years from the date on
 3 which the covered domestic worker is no longer working
 4 for the entity.

5 (g) MODEL WRITTEN AGREEMENTS.—

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

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

12 (A) be available in multiple languages com-
 13 monly understood by domestic workers, includ-
 14 ing all languages in which the Secretary, acting
 15 through the Administrator of the Wage and
 16 Hour Division, translates the basic information
 17 fact sheet published by the Administrator; and

18 (B) not include any agreement described in
 19 subsection (d)(2)(A).

20 **SEC. 111. EARNED SICK DAYS.**

21 (a) DEFINITIONS.—In this section:

22 (1) DOMESTIC VIOLENCE.—The term “domestic
 23 violence” has the meaning given the term in section
 24 40002(a) of the Violence Against Women Act of
 25 1994 (34 U.S.C. 12291(a)), except that the ref-

1 erence in such section to the term “jurisdiction re-
 2 ceiving grant monies” shall be deemed to mean the
 3 jurisdiction in which the victim lives or the jurisdic-
 4 tion in which the domestic work hiring entity in-
 5 volved is located. Such term also includes dating vio-
 6 lence, as that term is defined in such section.

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

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

13 (A) means such a domestic work hiring en-
 14 tity, as defined in section 3(b), except that for
 15 purposes of this subparagraph, a reference in
 16 that section to a domestic worker shall be con-
 17 sidered a domestic worker as defined in para-
 18 graph (2); and

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

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

23 (5) EMPLOYMENT BENEFITS.—The term “em-
 24 ployment benefits” means all benefits provided or
 25 made available to domestic workers by a domestic

1 work hiring entity, including group life insurance,
 2 health insurance, disability insurance, sick leave, an-
 3 nual leave, educational benefits, and pensions, re-
 4 gardless of whether such benefits are provided by a
 5 practice or written policy of a domestic work hiring
 6 entity or through an “employee benefit plan”, as de-
 7 fined in section 3(3) of the Employee Retirement In-
 8 come Security Act of 1974 (29 U.S.C. 1002(3)).

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

11 (A) is described in section 825.125 of title
 12 29, Code of Federal Regulations; and

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

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

22 (8) SEXUAL ASSAULT.—The term “sexual as-
 23 sault” has the meaning given the term in section
 24 40002(a) of the Violence Against Women Act of
 25 1994 (34 U.S.C. 12291(a)).

1 (9) STALKING.—The term “stalking” has the
2 meaning given the term in section 40002(a) of the
3 Violence Against Women Act of 1994 (34 U.S.C.
4 12291(a)).

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

16 (b) EARNED PAID SICK TIME.—

17 (1) EARNING OF TIME.—

18 (A) IN GENERAL.—A domestic work hiring
19 entity shall provide each domestic worker em-
20 ployed by the hiring entity not less than 1 hour
21 of earned paid sick time for every 30 hours
22 worked, to be used as described in paragraph
23 (2). A domestic work hiring entity shall not be
24 required to permit a domestic worker to earn,
25 under this subsection, more than 56 hours of

1 paid sick time in a year, unless the hiring entity
2 chooses to set a higher limit.

3 (B) DATES FOR BEGINNING TO EARN PAID
4 SICK TIME AND USE.—Domestic workers shall
5 begin to earn and be entitled to use earned paid
6 sick time under this subsection at the com-
7 mencement of their employment. A domestic
8 work hiring entity may, at the discretion of the
9 hiring entity, loan paid sick time to a domestic
10 worker for use by such domestic worker in ad-
11 vance of the domestic worker earning such sick
12 time as provided in this paragraph and may
13 permit use before the 60th day of employment.

14 (C) CARRYOVER.—

15 (i) IN GENERAL.—Except as provided
16 in clause (ii), paid sick time earned under
17 this subsection shall carry over from one
18 year to the next.

19 (ii) CONSTRUCTION.—This section
20 shall not be construed to require a domes-
21 tic work hiring entity to permit a domestic
22 worker to earn more than 56 hours of
23 earned paid sick time at a given time.

24 (D) HIRING ENTITIES WITH EXISTING
25 POLICIES.—Any domestic work hiring entity

1 with a paid leave policy who makes available an
2 amount of paid leave that is sufficient to meet
3 the requirements of this subsection and that
4 may be used for the same purposes and under
5 the same conditions as the purposes and condi-
6 tions outlined in paragraph (2) shall not be re-
7 quired to permit a domestic worker to earn ad-
8 ditional paid sick time under this subsection.

9 (E) CONSTRUCTION.—Nothing in this sub-
10 section shall be construed as requiring financial
11 or other reimbursement to a domestic worker
12 from a domestic work hiring entity upon the do-
13 mestic worker's termination, resignation, retire-
14 ment, or other separation from employment for
15 earned paid sick time that has not been used.

16 (F) REINSTATEMENT.—If a domestic
17 worker is separated from employment with a
18 domestic work hiring entity and is rehired,
19 within 12 months after that separation, by the
20 same hiring entity, the hiring entity shall rein-
21 state the domestic worker's previously earned
22 paid sick time. The domestic worker shall be
23 entitled to use the earned paid sick time and
24 earn additional paid sick time at the re-

1 commencement of employment with the domes-
2 tic work hiring entity.

3 (G) PROHIBITION.—A domestic work hir-
4 ing entity may not require, as a condition of
5 providing paid sick time under this subsection,
6 that the domestic worker involved search for or
7 find a replacement to cover the hours during
8 which the domestic worker is using paid sick
9 time.

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

13 (A) An absence resulting from a physical
14 or mental illness, injury, or medical condition of
15 the domestic worker.

16 (B) An absence resulting from obtaining
17 professional medical diagnosis or care, or pre-
18 ventive medical care, for the domestic worker.

19 (C) An absence for the purpose of caring
20 for a child, a parent, a spouse, a domestic part-
21 ner, or any other individual related by blood or
22 affinity whose close association with the domes-
23 tic worker is the equivalent of a family relation-
24 ship, who—

1 (i) has any of the conditions or needs
2 for diagnosis or care described in subpara-
3 graph (A) or (B);

4 (ii) in the case of care for someone
5 who is a child, is the subject of a school
6 meeting, or a meeting at a place where the
7 child is receiving care necessitated by the
8 child's health condition or disability, that
9 the domestic worker is required to attend;
10 or

11 (iii) is otherwise in need of care.

12 (D) An absence resulting from domestic vi-
13 olence, sexual assault, or stalking, if the time is
14 to—

15 (i) seek medical attention for the do-
16 mestic worker or a related person de-
17 scribed in subparagraph (C), to recover
18 from physical or psychological injury or
19 disability caused by domestic violence, sex-
20 ual assault, or stalking;

21 (ii) obtain or assist a related person
22 described in subparagraph (C) in obtaining
23 services from a victim services organiza-
24 tion;

1 (iii) obtain or assist a related person
 2 described in subparagraph (C) in obtaining
 3 psychological or other counseling;

4 (iv) seek or assist a related person in
 5 seeking relocation; or

6 (v) take or assist a related person in
 7 taking legal action, including preparing for
 8 or participating in any civil or criminal
 9 legal proceeding related to or resulting
 10 from domestic violence, sexual assault, or
 11 stalking.

12 (3) SCHEDULING.—A domestic worker shall
 13 make a reasonable effort to schedule a foreseeable
 14 period of paid sick time under this subsection in a
 15 manner that does not unduly disrupt the operations
 16 of the domestic work hiring entity.

17 (4) PROCEDURES.—

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

21 (i) include the expected duration of
 22 the period of such time;

23 (ii) in a case in which the need for
 24 such period of time is foreseeable at least
 25 7 days in advance of such period, be pro-

1 vided at least 7 days in advance of such
2 period; and

3 (iii) otherwise, be provided as soon as
4 practicable after the domestic worker is
5 aware of the need for such period.

6 (B) CERTIFICATION IN GENERAL.—

7 (i) PROVISION.—

8 (I) IN GENERAL.—Subject to
9 clause (iv), a domestic work hiring en-
10 tity may require that a request for
11 paid sick time under this subsection
12 for a purpose described in subpara-
13 graph (A), (B), or (C) of paragraph
14 (2) be supported by a certification
15 issued by the health care provider of
16 the eligible domestic worker or of an
17 individual described in paragraph
18 (2)(C), as appropriate, if the period of
19 such time covers more than 3 con-
20 secutive workdays.

21 (II) TIMELINESS.—The domestic
22 worker shall provide a copy of such
23 certification to the domestic work hir-
24 ing entity in a timely manner, not
25 later than 30 days after the first day

1 of the period of time. The domestic
2 work hiring entity shall not delay the
3 commencement of the period of time
4 on the basis that the hiring entity has
5 not yet received the certification.

6 (ii) SUFFICIENT CERTIFICATION.—A
7 certification provided under clause (i) shall
8 be sufficient if it states—

9 (I) the date on which the period
10 of time will be needed;

11 (II) the probable duration of the
12 period of time;

13 (III) the appropriate medical
14 facts within the knowledge of the
15 health care provider regarding the
16 condition involved, subject to clause
17 (iii);

18 (IV) for purposes of paid sick
19 time under paragraph (2)(A), a state-
20 ment that absence from work is medi-
21 cally necessary;

22 (V) for purposes of such time
23 under paragraph (2)(B), the dates on
24 which testing for a medical diagnosis

1 or care is expected to be given and the
2 duration of such testing or care; and

3 (VI) for purposes of such time
4 under paragraph (2)(C), in the case of
5 time to care for someone who is not a
6 child, a statement that care is needed
7 for an individual described in such
8 paragraph, and an estimate of the
9 amount of time that such care is
10 needed for such individual.

11 (iii) LIMITATION.—In issuing a cer-
12 tification under clause (i), a health care
13 provider shall make reasonable efforts to
14 limit the medical facts described in clause
15 (ii)(III) that are disclosed in the certifi-
16 cation to the minimum necessary to estab-
17 lish a need for the domestic worker to uti-
18 lize paid sick time.

19 (iv) REGULATIONS.—The Secretary
20 shall prescribe regulations that shall speci-
21 fy the manner in which a domestic worker
22 who does not have health insurance shall
23 provide a certification for purposes of this
24 subparagraph.

1 (v) CONFIDENTIALITY AND NON-
2 DISCLOSURE.—

3 (I) PROTECTED HEALTH INFOR-
4 MATION.—Nothing in this section
5 shall be construed to require a health
6 care provider to disclose information
7 in violation of section 1177 of the So-
8 cial Security Act (42 U.S.C. 1320d–6)
9 or the regulations promulgated pursu-
10 ant to section 264(c) of the Health
11 Insurance Portability and Account-
12 ability Act of 1996 (42 U.S.C.
13 1320d–2 note).

14 (II) HEALTH INFORMATION
15 RECORDS.—If a domestic work hiring
16 entity possesses health information
17 about a domestic worker or a related
18 person described in paragraph (2)(C),
19 such information shall—

20 (aa) be maintained on a sep-
21 arate form and in a separate file
22 from other personnel informa-
23 tion;

24 (bb) be treated as a con-
25 fidential medical record; and

1 (cc) not be disclosed except
2 to the affected domestic worker
3 or with the permission of the af-
4 fected domestic worker.

5 (C) CERTIFICATION IN THE CASE OF DO-
6 MESTIC VIOLENCE, SEXUAL ASSAULT, OR
7 STALKING.—

8 (i) IN GENERAL.—A domestic work
9 hiring entity may require that a request
10 for paid sick time under this subsection for
11 a purpose described in paragraph (2)(D)
12 be supported by any one of the following
13 forms of documentation, but the domestic
14 work hiring entity may not specify the par-
15 ticular form of documentation to be pro-
16 vided:

17 (I) A police report indicating that
18 the domestic worker, or a related per-
19 son described in paragraph (2)(D),
20 was, for not less than 3 consecutive
21 days, a victim of domestic violence,
22 sexual assault, or stalking.

23 (II) A court order protecting or
24 separating the domestic worker or a
25 related person described in paragraph

1 (2)(D) from the perpetrator of an act
2 of domestic violence, sexual assault, or
3 stalking, or other evidence from the
4 court or prosecuting attorney that the
5 domestic worker or a related person
6 described in paragraph (2)(D) has ap-
7 peared in court or is scheduled to ap-
8 pear in court in a proceeding related
9 to domestic violence, sexual assault, or
10 stalking.

11 (III) Other documentation signed
12 by an individual (who may be a volun-
13 teer) working for a victim services or-
14 ganization, an attorney, a police offi-
15 cer, a medical professional, a social
16 worker, an antiviolence counselor, or a
17 member of the clergy, affirming that
18 the domestic worker or a related per-
19 son described in paragraph (2)(D) is
20 a victim of domestic violence, sexual
21 assault, or stalking.

22 (ii) REQUIREMENTS.—The require-
23 ments of subparagraph (B) shall apply to
24 certifications under this paragraph, except
25 that—

1 (I) subclauses (III) through (VI)
2 of clause (ii) and clause (iii) of such
3 subparagraph shall not apply;

4 (II) the certification shall state
5 the reason that the leave is required
6 with the facts to be disclosed limited
7 to the minimum necessary to establish
8 a need for the domestic worker to be
9 absent from work, and the domestic
10 worker shall not be required to ex-
11 plain the details of the domestic vio-
12 lence, sexual assault, or stalking in-
13 volved; and

14 (III) with respect to confiden-
15 tiality under clause (v) of such sub-
16 paragraph, any information provided
17 to the domestic work hiring entity
18 under this subparagraph shall be con-
19 fidential, except to the extent that any
20 disclosure of such information is—

21 (aa) requested or consented
22 to in writing by the domestic
23 worker; or

24 (bb) otherwise required by
25 applicable Federal or State law.

1 (c) CONSTRUCTION AND APPLICATION.—

2 (1) EFFECT ON OTHER LAWS.—

3 (A) FEDERAL AND STATE ANTIDISCRIMI-
 4 NATION LAWS.—Nothing in this section shall be
 5 construed to modify or affect any Federal or
 6 State law prohibiting discrimination on the
 7 basis of race, religion, color, national origin, sex
 8 (including sexual orientation and gender iden-
 9 tity), age, disability, marital status, familial sta-
 10 tus, or any other protected status.

11 (B) STATE AND LOCAL LAWS.—Nothing in
 12 this section shall be construed to supersede (in-
 13 cluding preempting) any provision of any State
 14 or local law that provides greater paid sick time
 15 or leave rights (including greater amounts of
 16 paid sick time or leave, or greater coverage of
 17 those eligible for paid sick time or leave) than
 18 the rights established under this section.

19 (2) EFFECT ON EXISTING EMPLOYMENT BENE-
 20 FITS.—

21 (A) MORE PROTECTIVE.—Nothing in this
 22 section shall be construed to diminish the obli-
 23 gation of a domestic work hiring entity to com-
 24 ply with any contract, any collective bargaining
 25 agreement, or any employment benefit program

1 or plan that provides greater paid sick leave or
 2 other leave rights to domestic workers than the
 3 rights established under this section.

4 (B) LESS PROTECTIVE.—The rights estab-
 5 lished for domestic workers under this section
 6 shall not be diminished by any contract, any
 7 collective bargaining agreement, or any employ-
 8 ment benefit program or plan.

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

12 **SEC. 112. FAIR SCHEDULING PRACTICES.**

13 (a) DEFINITION OF SCHEDULED WORK HOURS.—In
 14 this section, the term “scheduled work hours” means the
 15 hours on a specified day during which a domestic worker
 16 is, through a written agreement or schedule, required by
 17 a domestic work hiring entity to perform domestic services
 18 for the entity and for which the worker will receive com-
 19 pensation for such services.

20 (b) REQUIREMENT FOR NOTICE OF COVERED DO-
 21 MESTIC WORKER.—In the case of a covered domestic
 22 worker (as defined in section 110(a)), the domestic work
 23 hiring entity shall provide the covered domestic worker no-
 24 tice of the scheduled work hours of such worker through—

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

6 (2) a schedule agreed upon by the domestic
 7 work hiring entity and the covered domestic worker
 8 provided in the amount of time specified in accord-
 9 ance with a written agreement described in sub-
 10 clause (II) of such section, regarding a good faith
 11 estimate of the time of day and the days of the week
 12 that the covered domestic worker is expected to work
 13 for the domestic work hiring entity.

14 (c) REQUIREMENTS FOR CHANGES TO SCHEDULED
 15 WORK HOURS AND REPORTING TIME PAY.—A domestic
 16 work hiring entity shall—

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

22 (2) pay a domestic worker—

23 (A) the regular rate of pay of the domestic
 24 worker for any scheduled work hours the do-
 25 mestic worker does not work due to the domes-

1 tic work hiring entity canceling or reducing the
2 scheduled work hours of the domestic worker
3 after the domestic worker arrives to work for
4 the scheduled work hours; or

5 (B) at a rate of $\frac{1}{2}$ of the regular rate of
6 pay of the domestic worker for any scheduled
7 work hours the domestic worker does not work
8 due to the domestic work hiring entity canceling
9 or reducing the scheduled work hours of the do-
10 mestic worker at a time that is less than 72
11 hours prior to the commencement of such
12 scheduled work hours, unless the domestic work
13 hiring entity—

14 (i) is an individual with a disability
15 relying on the domestic worker for dis-
16 ability supports and services (or an entity
17 supporting an individual with a disability);
18 and

19 (ii) requests the domestic worker to
20 consent to work alternative, equivalent
21 scheduled work hours within a 7-day pe-
22 riod and the worker consents to work such
23 alternative, equivalent hours.

24 (d) RIGHT TO DECLINE SCHEDULE CHANGES.—

1 (1) IN GENERAL.—In the case of a covered do-
 2 mestic worker (as defined in section 110(a)), if a do-
 3 mestic work hiring entity wishes to include work
 4 hours in the scheduled work hours of such worker
 5 that are identified as hours in which the worker can
 6 typically expect to be scheduled as off from work in
 7 accordance with the written agreement under section
 8 110(d)(1)(F)(iv)(I) or are identified as hours outside
 9 of the good faith estimate under section
 10 110(d)(1)(F)(iv)(II)(cc), the hiring entity shall ob-
 11 tain the written consent of the worker to work such
 12 hours prior to the commencement of such work.

13 (2) CONSENT.—The consent required under
 14 paragraph (1) may be transmitted electronically to
 15 the domestic work hiring entity.

16 (e) EXCEPTIONS.—

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

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

23 (i) a fire, flood, or other natural dis-
 24 aster;

1 (ii) a major disaster or emergency de-
2 clared by the President under section 401
3 or 501, respectively, of the Robert T. Staf-
4 ford Disaster Relief and Emergency Assist-
5 ance Act (42 U.S.C. 5170, 5191) or a
6 state of emergency declared by a Governor
7 of a State or chief official of a unit of local
8 government; or

9 (iii) a severe weather condition that
10 poses a threat to worker safety; or

11 (B) in a case in which—

12 (i) the domestic worker voluntarily re-
13 quested in writing a change to the sched-
14 uled work hours of the worker; or

15 (ii) the domestic work hiring entity
16 changes the scheduled work hours of a do-
17 mestic worker due to—

18 (I) a medical emergency requir-
19 ing emergency medical treatment or
20 hospitalization; or

21 (II) the risk of contagion or a
22 quarantine requirement related to the
23 public health emergency declared by
24 the Secretary of Health and Human
25 Services under section 319 of the

1 Public Health Service Act (42 U.S.C.
2 247d) on January 31, 2020, with re-
3 spect to COVID–19, or any other
4 public health emergency declared
5 under such section.

6 (2) SHARED LIVING ARRANGEMENT.—Notwith-
7 standing any provision in this section, the require-
8 ments under this section shall not apply to a shared
9 living arrangement.

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

13 **SEC. 113. RIGHT TO REQUEST AND RECEIVE TEMPORARY**
14 **CHANGES TO SCHEDULED WORK HOURS DUE**
15 **TO PERSONAL EVENTS.**

16 (a) DEFINITIONS.—In this section:

17 (1) COVERED DOMESTIC WORKER.—The term
18 “covered domestic worker” has the meaning given
19 the term in section 110(a).

20 (2) DOMESTIC VIOLENCE.—The term “domestic
21 violence” has the meaning given the term in section
22 111(a).

23 (3) PERSONAL EVENT.—The term “personal
24 event”, with respect to a covered domestic worker,
25 means—

1 (A) an event resulting in the need of the
2 covered domestic worker to serve as a caregiver
3 for an individual related to the covered domestic
4 worker by blood or affinity or whose close asso-
5 ciation with the covered domestic worker is the
6 equivalent of a family relationship;

7 (B) an event resulting from the obligation
8 of a covered domestic worker to attend a legal
9 proceeding or hearing for subsistence benefits,
10 including benefits under the supplemental nutri-
11 tion assistance program established under the
12 Food and Nutrition Act of 2008 (7 U.S.C.
13 2011 et seq.) or under a State program for
14 temporary assistance for needy families estab-
15 lished under part A of title IV of the Social Se-
16 curity Act (42 U.S.C. 601 et seq.), to which the
17 worker, or an individual related to the worker
18 as described in subparagraph (A), is a party or
19 witness; or

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

24 (4) SAFE TIME.—The term “safe time”, with
25 respect to a covered domestic worker, means an ab-

1 sence from work of the worker resulting from do-
2 mestic violence, sexual assault, or stalking, if the ab-
3 sence is to—

4 (A) seek medical attention for the worker
5 or a child, parent, spouse, or domestic partner
6 of the worker, or any other individual related to
7 the worker by blood or affinity whose close as-
8 sociation with the worker is the equivalent of a
9 family relationship, in order to recover from
10 physical or psychological injury or disability
11 caused by domestic violence, sexual assault, or
12 stalking;

13 (B) obtain, or assist a child, parent,
14 spouse, domestic partner, or other individual
15 described in subparagraph (A) in obtaining,
16 services from a victim services organization;

17 (C) obtain, or assist a child, parent,
18 spouse, domestic partner, or other individual
19 described in subparagraph (A) in obtaining,
20 psychological or other counseling;

21 (D) seek relocation for the worker or a
22 child, parent, spouse, domestic partner, or other
23 individual described in subparagraph (A); or

24 (E) take legal action, including preparing
25 for or participating in any civil or criminal legal

1 proceeding related to or resulting from domestic
2 violence, sexual assault, or stalking, of the
3 worker or a child, parent, spouse, domestic
4 partner, or other individual described in sub-
5 paragraph (A).

6 (5) SCHEDULED WORK HOURS.—The term
7 “scheduled work hours” has the meaning given such
8 term in section 112(a), except that references in
9 such section to the term “domestic worker” shall be
10 deemed to be a reference to the term “covered do-
11 mestic worker”.

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

15 (7) TEMPORARY CHANGE.—The term “tem-
16 porary change”, with respect to a change in the
17 scheduled work hours of a covered domestic worker,
18 means a limited alteration in the hours or dates
19 that, or locations where, a worker is scheduled to
20 work, including through using paid time off, trading
21 or shifting work hours, or using short-term unpaid
22 leave.

23 (b) REQUEST.—

24 (1) IN GENERAL.—In accordance with this sub-
25 section, for each calendar year, a domestic work hir-

1 ing entity shall, upon request of a covered domestic
2 worker, grant to the covered domestic worker not
3 less than—

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

8 (B) 1 request for a temporary change, cov-
9 ering not more than 2 business days, to the
10 scheduled work hours of the worker due to a
11 personal event.

12 (2) NOTIFICATION OF REQUEST.—

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

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

23 (ii) make a proposal for the temporary
24 change to the scheduled work hours of the

1 worker, unless the worker seeks leave with-
2 out pay; and

3 (iii) subject to subparagraph (B), not
4 be required to initially submit the request
5 in writing.

6 (B) WRITTEN RECORD.—

7 (i) IN GENERAL.—A covered domestic
8 worker that requests a temporary change
9 to the scheduled work hours of the worker
10 under this subsection and does not initially
11 submit a request for such change in writ-
12 ing shall, as soon as practicable and not
13 later than 2 business days after date on
14 which the worker returns to work following
15 the conclusion of the temporary change to
16 the scheduled work hours, submit a written
17 record of such request indicating—

18 (I) the date for which the change
19 was requested; and

20 (II) that the request was made
21 due to a personal event.

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

1 domestic work hiring entity commonly use
2 an electronic form to request and manage
3 leave and schedule changes.

4 (c) RESPONSE.—A domestic work hiring entity who
5 receives a request under subsection (b) for a temporary
6 change to the scheduled work hours of a covered domestic
7 worker due to a personal event shall respond as soon as
8 practicable. Such entity shall not be initially required to
9 respond to such request in writing. If such entity does not
10 initially respond to the requested schedule change in writ-
11 ing, the entity shall, as soon as practicable and not later
12 than 1 week after the requested schedule change, provide
13 the domestic worker with a written record of the response
14 to the requested schedule change.

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

18 **SEC. 114. PRIVACY.**

19 (a) IN GENERAL.—A domestic work hiring entity
20 shall not—

21 (1) monitor or record a domestic worker while
22 such domestic worker is—

23 (A) using restroom or bathing facilities;

24 (B) in the private living quarters of the
25 worker; or

1 (C) engaging in any activities associated
2 with the dressing, undressing, or changing of
3 clothes of the worker;

4 (2) subject to subsection (b), restrict or inter-
5 fere with, or monitor, the private communications of
6 such domestic worker; or

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

9 (b) PRIVATE COMMUNICATIONS.—A domestic work
10 hiring entity may—

11 (1) restrict, interfere with, or monitor the pri-
12 vate communications of a domestic worker if the do-
13 mestic work hiring entity has a reasonable belief
14 that such communications significantly interfere
15 with the domestic worker’s performance of expected
16 duties; and

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

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

23 (d) DEFINITION OF PRIVATE COMMUNICATIONS.—In
24 this section, the term “private communications” means
25 any communication through telephone or internet services,

1 including sending and receiving communications by text
2 message, social media, electronic mail, and telephone, with
3 an entity or individual other than the domestic work hiring
4 entity.

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

6 (a) MEAL BREAKS.—

7 (1) IN GENERAL.—Except as provided in sub-
8 section (c), a domestic work hiring entity shall not
9 require a domestic worker to work more than 5
10 hours for such hiring entity without an uninter-
11 rupted meal break of not less than 30 minutes. The
12 number of hours worked by a domestic worker for
13 purposes of this paragraph shall be calculated with-
14 out regard to any rest break the worker takes and
15 to which the worker has a right under subsection
16 (b).

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

24 (3) PAID MEAL BREAK.—Except as provided in
25 subsection (c), for any paid meal break required

1 under paragraph (2), a domestic work hiring enti-
2 ty—

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

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

9 (b) REST BREAKS.—

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

21 (2) RATE OF PAY.—A domestic work hiring en-
22 tity shall pay a domestic worker for the times spent
23 by the worker for a rest break under paragraph (1)
24 at the regular rate of pay of the worker. The hiring

1 entity shall not impede or discourage a domestic
2 worker from taking such break.

3 (c) EXCEPTIONS.—

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

11 (2) ON-DUTY BREAKS.—

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

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

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

sonal telephone call, or making other personal choices.

(B) AUTHORIZATION.—

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

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

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

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

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

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

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

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

10 (a) IN GENERAL.—

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

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

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

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

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

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

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

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

18 (1) discharging or in any manner discrimi-
 19 nating against (including retaliating against) any
 20 domestic worker for—

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

23 (B) engaging in concerted activities for the
 24 purpose of collective bargaining or mutual aid
 25 or protection, regardless of whether such activi-

1 ties are with domestic workers of different em-
2 ployers or domestic workers at different work-
3 sites; and

4 (2) discriminating against any domestic worker
5 by using the exercise of a right provided under this
6 subtitle as a negative factor in an employment ac-
7 tion, such as an action involving hiring, promotion,
8 or changing work hours or number of shifts, or a
9 disciplinary action.

10 (b) RETALIATION PROTECTION.—It shall be unlawful
11 for any domestic work hiring entity to discharge, demote,
12 suspend, reduce the work hours of, take any other adverse
13 employment action against, threaten to take an adverse
14 employment action against, or in any other manner dis-
15 criminate against a domestic worker with respect to com-
16 pensation, terms, conditions, or privileges of employment
17 because the domestic worker (or any person acting pursu-
18 ant to the request of the domestic worker), whether at the
19 initiative of the domestic worker or in the ordinary course
20 of the domestic worker's duties—

21 (1) opposes any practice made unlawful under
22 this subtitle;

23 (2) asserts any claim or right under this sub-
24 title;

1 (3) assists a domestic worker in asserting such
2 claim or right;

3 (4) informs any domestic worker about this
4 subtitle;

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

7 (6) requests a change in scheduled work hours
8 described in section 112, or any other schedule
9 change, without regard to the eligibility of such do-
10 mestic worker to receive any such change;

11 (7) participates as a member of, or takes an ac-
12 tion described in paragraph (8) with respect to, the
13 Domestic Worker Standards Board described in sec-
14 tion 201;

15 (8)(A) files an action, or institutes or causes to
16 be instituted any proceeding, under or related to this
17 subtitle;

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

21 (C) testifies, or is about to testify, in any in-
22 quiry or proceeding relating to any right provided
23 under this subtitle; and

24 (9) engages in concerted activities for the pur-
25 pose of collective bargaining or mutual aid or protec-

1 tion, regardless of whether such activities are with
2 domestic workers of different employers or domestic
3 workers at different worksites.

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

11 (1) Reporting, or threatening to report, the citi-
12 zenship or immigration status of a domestic worker,
13 or the suspected citizenship or immigration status of
14 a family member of such an individual, to a Federal,
15 State, or local agency.

16 (2) Requesting more or different documents
17 than those required under section 274A(b) of the
18 Immigration and Nationality Act (8 U.S.C.
19 1324a(b)), or refusing to honor documents that on
20 their face appear to be genuine.

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

1 (4) Filing, or threatening to file, a false police
2 report relating to the immigration status of a do-
3 mestic worker, or a family member of a domestic
4 worker.

5 (5) Contacting, or threatening to contact, immi-
6 gration authorities relating to the immigration sta-
7 tus of a domestic worker, or a family member of a
8 domestic worker.

9 (d) PRESUMPTION OF RETALIATION.—

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

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

1 **SEC. 118. ENFORCEMENT AUTHORITY.**

2 (a) IN GENERAL.—

3 (1) APPLICATION.—In this subsection—

4 (A) the term “domestic worker” means a
5 domestic worker described in subsection
6 (e)(1)(A); and

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

10 (2) INVESTIGATIVE AUTHORITY.—

11 (A) IN GENERAL.—To ensure compliance
12 with the provisions of this subtitle, or any regu-
13 lation or order issued under this subtitle, the
14 Secretary shall have the investigative authority
15 provided under section 11(a) of the Fair Labor
16 Standards Act of 1938 (29 U.S.C. 211(a)),
17 with respect to hiring entities, domestic work-
18 ers, and other individuals affected.

19 (B) OBLIGATION TO KEEP AND PRESERVE
20 RECORDS.—A domestic work hiring entity shall
21 make, keep, and preserve records pertaining to
22 compliance with this subtitle in accordance with
23 section 11(c) of the Fair Labor Standards Act
24 of 1938 (29 U.S.C. 211(c)) and in accordance
25 with regulations prescribed by the Secretary.

1 (C) REQUIRED SUBMISSIONS GENERALLY
2 LIMITED TO AN ANNUAL BASIS.—The Secretary
3 shall not require under this paragraph a domes-
4 tic work hiring entity to submit to the Sec-
5 retary any books or records more than once
6 during any 12-month period, unless the Sec-
7 retary—

8 (i) has reasonable cause to believe
9 there may exist a violation of this subtitle,
10 including any regulation or order issued
11 under this subtitle; or

12 (ii) is investigating a charge under
13 paragraph (4).

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

19 (3) CIVIL ACTION BY DOMESTIC WORKERS.—

20 (A) RIGHT OF ACTION.—An action to re-
21 cover the damages or equitable relief prescribed
22 in subparagraph (B) may be maintained
23 against a domestic work hiring entity by one or
24 more domestic workers, or a representative for
25 and on behalf of the domestic workers and any

1 other domestic workers that may be similarly
2 situated.

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

8 (i) damages equal to—

9 (I) the amount of—

10 (aa) any wages, salary, em-
11 ployment benefits, or other com-
12 pensation denied or lost by rea-
13 son of the violation; or

14 (bb) in a case in which
15 wages, salary, employment bene-
16 fits, or other compensation have
17 not been denied or lost, any ac-
18 tual monetary losses sustained,
19 or the costs reasonably related to
20 damage to or loss of property, or
21 any other injury to the person,
22 reputation, character, or feelings,
23 sustained by a domestic worker
24 as a direct result of the violation,
25 or any injury to another person

1 sustained as a direct result of the
2 violation, by the domestic work
3 hiring entity;

4 (II) the interest on the amount
5 described in subclause (I) calculated
6 at the prevailing rate;

7 (III) an additional amount as liq-
8 uidated damages; and

9 (IV) such other legal relief as
10 may be appropriate;

11 (ii) such equitable relief as may be ap-
12 propriate, including employment, reinstate-
13 ment, and promotion; and

14 (iii) a reasonable attorney's fee, rea-
15 sonable expert witness fees, and other costs
16 of the action.

17 (C) MEAL AND REST BREAKS.—In the case
18 of a violation of section 115, the domestic work
19 hiring entity involved shall be liable under sub-
20 paragraph (B)—

21 (i) for the amount of damages de-
22 scribed in subclauses (I), (II), and (III) of
23 subparagraph (B)(i); and

24 (ii) under subparagraph (B)(i)(IV),
25 for each such violation, for an amount

equal to 1 hour of pay at the domestic worker's regular rate of compensation (but not more than 2 hours of such pay for each workday for which the domestic work hiring entity is in violation of such section).

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

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

(4) ACTION BY THE SECRETARY.—

(A) ADMINISTRATIVE ACTION.—

(i) IN GENERAL.—Subject to clause (ii), and subparagraphs (C) and (D) of paragraph (3), the Secretary shall receive, investigate, and attempt to resolve complaints of violations of this subtitle in the same manner that the Secretary receives, investigates, and attempts to resolve complaints of violations of sections 6, 7, and 15(a)(3) of the Fair Labor Standards Act

1 of 1938 (29 U.S.C. 206, 207, and
2 215(a)(3)), including the Secretary's au-
3 thority to supervise payment of wages and
4 compensation under section 16(c) of the
5 Fair Labor Standards Act of 1938 (29
6 U.S.C. 216(c)).

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

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

15 (II) of not more than \$25,000
16 for any subsequent violation of any
17 such section by such domestic work
18 hiring entity.

19 (B) ADMINISTRATIVE REVIEW.—Any ag-
20 grieved dislocated worker who takes exception
21 to an order issued by the Secretary under sub-
22 paragraph (A) may request review of and a de-
23 cision regarding such order by an administra-
24 tive law judge. In reviewing the order, the ad-
25 ministrative law judge may hold an administra-

1 tive hearing concerning the order, in accordance
2 with the requirements of sections 554, 556, and
3 557 of title 5, United States Code. Such hear-
4 ing shall be conducted expeditiously. If no ag-
5 grieved dislocated worker requests such review
6 within 60 days after the order is issued under
7 subparagraph (A), the order shall be considered
8 to be a final order that is not subject to judicial
9 review.

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

15 (D) SUMS RECOVERED.—

16 (i) IN GENERAL.—Any sums recovered
17 by the Secretary under subparagraph (C)
18 shall be held in a special deposit account
19 and shall be paid, on order of the Sec-
20 retary, directly to each domestic worker
21 aggrieved by the violation for which the ac-
22 tion was brought. Any such sums not paid
23 to a domestic worker because of inability
24 to do so within a period of 3 years shall be

1 deposited into the Treasury of the United
2 States as a miscellaneous receipt.

3 (ii) CIVIL PENALTY.—Any sums re-
4 covered by the Secretary under subpara-
5 graph (A)(ii) shall be deposited into the
6 general fund of the Treasury of the United
7 States as a miscellaneous receipt.

8 (5) LIMITATION.—

9 (A) IN GENERAL.—Except as provided in
10 subparagraph (B), an action may be brought
11 under paragraph (3), (4), or (6) not later than
12 2 years after the date of the last event consti-
13 tuting the alleged violation for which the action
14 is brought.

15 (B) WILLFUL VIOLATION.—In the case of
16 an action brought for a willful violation of this
17 subtitle, such action may be brought not later
18 than 3 years after the date of the last event
19 constituting the alleged violation for which such
20 action is brought.

21 (C) COMMENCEMENT.—An action shall be
22 considered commenced under paragraph (3),
23 (4), or (6) for the purposes of this paragraph
24 on the date on which the complaint is filed
25 under such paragraph (3), (4), or (6).

1 (6) ACTION FOR INJUNCTION.—The district
2 courts of the United States together with the Dis-
3 trict Court of the Virgin Islands and the District
4 Court of Guam shall have jurisdiction, for cause
5 shown, in an action brought by a domestic worker
6 or the Secretary—

7 (A) to restrain violations of this subtitle,
8 including the withholding of a written agree-
9 ment from a domestic worker as required under
10 section 110, or of any withholding of payment
11 of wages, salary, employment benefits, or other
12 compensation, plus interest, found by the court
13 to be due to a domestic worker under this sub-
14 title; or

15 (B) to award such other equitable relief as
16 may be appropriate, including employment, re-
17 instatement, and promotion, for a violation of
18 this subtitle.

19 (7) SOLICITOR OF LABOR.—The Solicitor of
20 Labor may appear for and represent the Secretary
21 on any litigation brought under paragraph (4) or
22 (6).

23 (8) GOVERNMENT ACCOUNTABILITY OFFICE
24 AND LIBRARY OF CONGRESS.—Notwithstanding any
25 other provision of this subsection, in the case of the

1 Government Accountability Office and the Library of
2 Congress, the authority of the Secretary of Labor
3 under this subsection shall be exercised respectively
4 by the Comptroller General of the United States and
5 the Librarian of Congress.

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

17 (c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE
18 3, UNITED STATES CODE.—The powers, remedies, and
19 procedures provided in chapter 5 of title 3, United States
20 Code, to the President, the Merit Systems Protection
21 Board, or any person, alleging a violation of section
22 412(a)(1) of that title, shall be the powers, remedies, and
23 procedures this Act provides to the President, that Board,
24 or any person, respectively, alleging an unlawful employ-

1 ment practice in violation of this subtitle against a domes-
 2 tic worker described in subsection (e)(1)(C).

3 (d) EMPLOYEES COVERED BY CHAPTER 63 OF TITLE
 4 5, UNITED STATES CODE.—The powers, remedies, and
 5 procedures provided in title 5, United States Code, to an
 6 employing agency, provided in chapter 12 of that title to
 7 the Merit Systems Protection Board, or provided in that
 8 title to any person, alleging a violation of chapter 63 of
 9 that title, shall be the powers, remedies, and procedures
 10 this Act provides to that agency, that Board, or any per-
 11 son, respectively, alleging an unlawful employment prac-
 12 tice in violation of this subtitle against a domestic worker
 13 described in subsection (e)(1)(D).

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

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

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

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

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

13 (D) as defined in section 3(b)(6) except
14 that a reference in that section to an individual
15 or employee shall be considered to be a ref-
16 erence to an individual compensated for services
17 provided to an entity described in paragraph
18 (2)(D).

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

22 (A) as defined in section 3(b)(7) except
23 that a reference in that section to a person or
24 employer shall be considered to be a reference
25 to an employer described in clause (i) or (ii) of

1 subparagraph (A), and subparagraph (B), of
2 paragraph (3);

3 (B) 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)(iii) and (B) of paragraph (3);

8 (C) as defined in section 3(b)(7) except
9 that a reference in that section to a person or
10 employer shall be considered to be a reference
11 to an employer described in subparagraphs
12 (A)(iv) and (B) of paragraph (3); and

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

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

21 (A)(i) an employer, as defined in section
22 3(a), who is not covered under another clause
23 of this subparagraph;

1 (ii) an entity employing a State employee
 2 described in section 304(a) of the Government
 3 Employee Rights Act of 1991;

4 (iii) an employing office, as defined in sec-
 5 tion 101 of the Congressional Accountability
 6 Act of 1995;

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

9 (v) an employing agency covered under
 10 subchapter V of chapter 63 of title 5, United
 11 States Code; and

12 (B) an enterprise engaged in commerce or
 13 in the production of goods for commerce.

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

17 **SEC. 119. EFFECT ON EXISTING EMPLOYMENT BENEFITS**
 18 **AND OTHER LAWS.**

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

20 (1) supersede a provision in a collective bar-
 21 gaining agreement; or

22 (2) be construed to diminish the obligation of a
 23 domestic work hiring entity to comply with any con-
 24 tract, collective bargaining agreement, or employ-
 25 ment benefit program or plan that provides greater

1 rights or benefits to domestic workers than the
 2 rights established under this Act.

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

4 (1) affect the obligation of a domestic work hir-
 5 ing entity to provide a reasonable accommodation in
 6 the form of a change to the work schedule of a do-
 7 mestic worker required under any other law, or to
 8 otherwise comply with any other law;

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

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

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

20 **Subtitle C—Domestic Worker** 21 **Health and Safety**

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

23 (a) IN GENERAL.—The Secretary shall award a
 24 grant, on a competitive basis, to an entity eligible under
 25 subsection (b), for a national hotline that domestic work-

1 ers may call to report emergencies, seek emergency serv-
 2 ices, or seek support or guidance in lieu of emergency serv-
 3 ices.

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

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

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

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

14 (4) have a leadership or board structure that
 15 includes domestic workers; and

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

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

19 (a) STANDARD FOR DOMESTIC WORKERS.—

20 (1) STANDARD.—

21 (A) IN GENERAL.—Not later than 1 year
 22 after the date of enactment of this Act, the
 23 Consumer Product Safety Commission shall, to
 24 improve the health and safety of domestic work-
 25 ers that clean private homes, promulgate a con-

sumer product safety standard under section 7 of the Consumer Product Safety Act (15 U.S.C. 2056) to require manufacturers of household cleaning supplies to—

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

(ii) translate such safety data sheets into multiple languages, including all languages in which the Secretary, acting through the Administrator of the Wage and Hour Division, translates the basic information fact sheet published by the Administrator; and

(iii) create and provide, for use on small secondary containers, small labels with the name of the product and its ingredients as listed on the safety data sheet.

(B) CIVIL PENALTY.—Notwithstanding section 20 of the Consumer Product Safety Act (15 U.S.C. 2069), or any other provision of

that Act, any person that knowingly violates the requirements of the standard promulgated under subparagraph (A) shall be subject to a civil penalty not to exceed \$500 for each violation.

(2) EDUCATIONAL MATERIALS FOR WORKERS.—The Consumer Product Safety Commission shall produce educational materials for consumers and domestic workers regarding requirements for safety data sheets and translate such materials into multiple languages, including all languages described in paragraph (1)(A)(ii).

(3) DEFINITIONS.—In this subsection:

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

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

(i) means any product, including a soap or detergent containing a surfactant as a wetting or dirt emulsifying agent, that is used primarily for domestic or commercial cleaning purposes, including the

1 cleansing of fabrics, dishes, food utensils,
2 and household and commercial premises;
3 and

4 (ii) does not include—

5 (I) food, drugs, or cosmetics, in-
6 cluding personal care items such as
7 toothpaste, shampoo, or hand soap; or

8 (II) products labeled, advertised,
9 marketed, or distributed for use pri-
10 marily as a pesticide subject to the
11 Federal Insecticide, Fungicide, and
12 Rodenticide Act (7 U.S.C. 136 et
13 seq.).

14 (C) SAFETY DATA SHEETS.—The term
15 “safety data sheets” means the safety data
16 sheets required under section 1910.1200 of title
17 29, Code of Federal Regulations, or a successor
18 regulation.

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

1 **SEC. 123. OCCUPATIONAL SAFETY AND HEALTH TRAINING**
2 **GRANTS.**

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

9 **SEC. 124. WORKPLACE HARASSMENT SURVIVOR SUPPORTS**
10 **STUDY.**

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

- 20 (1) Housing services.
- 21 (2) Health care services, including mental
22 health services.
- 23 (3) Counseling services.
- 24 (4) Workers' compensation.
- 25 (5) Unemployment insurance.
- 26 (6) Disability benefits.

1 (7) Transportation stipends.

2 (8) Support for caregiving needs, including paid
3 leave, child care, and care for an individual related
4 to the survivor by blood or affinity or whose close
5 association with the survivor is the equivalent of a
6 family relationship.

7 (9) Any other support determined appropriate
8 by the Secretary.

9 (b) RECOMMENDATIONS.—The report required under
10 subsection (a) shall—

11 (1) include specific recommendations for each
12 type of support listed in paragraphs (1) through (8)
13 of such subsection; and

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

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

18 **SEC. 131. INCLUDING CERTAIN DOMESTIC WORKERS IN**
19 **CIVIL RIGHTS PROTECTIONS AGAINST DIS-**
20 **CRIMINATION IN EMPLOYMENT.**

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

1 **TITLE II—STANDARDS BOARD,**
 2 **BENEFITS, AND WORKFORCE**
 3 **INVESTMENT**

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

5 (a) ESTABLISHMENT AND PURPOSES.—The Sec-
 6 retary shall establish a board to be known as the “Domes-
 7 tic Worker Standards Board” (referred to in this section
 8 as the “Board”) to investigate standards in the domestic
 9 workers industry, and issue recommendations to the Sec-
 10 retary under subsection (e)(1), in order to promote the
 11 health, safety, and well-being of domestic workers.

12 (b) MEMBERSHIP.—

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

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

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

21 (C) 1 shall be an individual appointed by
 22 the Secretary who is an expert on the domestic
 23 services sector from academia, the nonprofit
 24 sector, or a Federal, State, or local govern-
 25 mental agency.

1 (2) DOMESTIC WORKERS SEATS.—

2 (A) IN GENERAL.—The Secretary shall ap-
3 point members of the Board representing do-
4 mestic workers from among individuals nomi-
5 nated under subparagraph (B) by eligible work-
6 er organizations.

7 (B) SELECTION OF ELIGIBLE WORKER OR-
8 GANIZATIONS.—The Secretary shall enter into
9 agreements, on a competitive basis, with eligible
10 worker organizations for such organizations to
11 nominate individuals to serve as members of the
12 Board representing domestic workers.

13 (C) SELECTING INDIVIDUALS ON THE
14 BOARD.—For each individual nominated under
15 subparagraph (B), the Secretary shall submit a
16 report to Congress indicating whether the Sec-
17 retary has decided to appoint the individual to
18 the Board and the reasons for such decision.

19 (D) DEFINITION OF ELIGIBLE WORKER
20 ORGANIZATION.—In this paragraph, the term
21 “eligible worker organization” means an organi-
22 zation that—

23 (i) is not a hiring entity or employ-
24 ment agency;

1 (ii) represents members of the organi-
 2 zation, including domestic workers;

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

8 (II) is organized and operated for the
 9 betterment of workers, including domestic
 10 workers;

11 (iv) engages in public advocacy to pro-
 12 mote the health and well-being of domestic
 13 workers;

14 (v) has a governing structure that
 15 promotes the decision-making power of do-
 16 mestic workers; and

17 (vi) submits an application to the Sec-
 18 retary at such time, in such manner, and
 19 containing such information as the Sec-
 20 retary may reasonably require.

21 (3) DOMESTIC WORK HIRING ENTITY SEATS.—

22 (A) IN GENERAL.—The Secretary shall ap-
 23 point members of the Board representing do-
 24 mestic work hiring entities from among individ-

1 uals nominated by eligible hiring organizations
2 under subparagraph (B).

3 (B) SELECTION OF ELIGIBLE HIRING OR-
4 GANIZATIONS.—The Secretary shall enter into
5 agreements on a competitive basis with eligible
6 hiring organizations for such organizations to
7 nominate individuals to serve as members of the
8 Board representing domestic work hiring enti-
9 ties.

10 (C) SELECTING INDIVIDUALS ON THE
11 BOARD.—

12 (i) IN GENERAL.—For each individual
13 nominated under subparagraph (B), the
14 Secretary shall submit a report to Con-
15 gress indicating whether the Secretary has
16 decided to appoint the individual to the
17 Board and the reasons for such decision.

18 (ii) REQUIREMENTS FOR APPOINT-
19 MENTS.—The Secretary shall ensure
20 that—

21 (I) not less than 2 seats under
22 this paragraph are filled by an indi-
23 vidual who contracts with, or hires, 1
24 domestic worker to work in the resi-
25 dence of the individual;

1 (II) not less than 1 seat under
2 this paragraph is filled by a nomina-
3 tion from an eligible hiring organiza-
4 tion that is dedicated to the well-being
5 of domestic workers;

6 (III) not less than 1 seat under
7 this paragraph is filled by an indi-
8 vidual who relies on a personal care
9 aide or assistant financed through a
10 State Medicaid program under title
11 XIX of the Social Security Act (42
12 U.S.C. 1396 et seq.);

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

16 (aa) is an adult family mem-
17 ber of a Medicaid HCBS-eligible
18 elderly individual or an individual
19 with a disability;

20 (bb) is an informal provider
21 of in-home care to such Medicaid
22 HCBS-eligible elderly individual
23 or individual with a disability;
24 and

1 (cc) contracts with, or hires,
 2 1 or more domestic workers to
 3 provide additional care for the
 4 Medicaid HCBS-eligible elderly
 5 individual or individual with a
 6 disability;

7 (V) a single domestic work hiring
 8 entity does not fill more than 1 seat
 9 under this paragraph; and

10 (VI) any domestic work hiring
 11 entity serving on the Board satisfies
 12 the requirements under clause (iii).

13 (iii) DISCLOSURE OF LABOR VIOLA-
 14 TIONS.—

15 (I) IN GENERAL.—The Secretary
 16 shall require that each domestic work
 17 hiring entity that serves on the Board
 18 disclose to the Secretary, with respect
 19 to the preceding 5-year period—

20 (aa) any administrative mer-
 21 its determination, arbitral award
 22 or decision, or civil judgment,
 23 rendered against the entity for a
 24 violation of the labor laws listed
 25 in subclause (II); and

1 (bb) any steps taken by the
2 entity to correct a violation of or
3 improve compliance with the
4 labor laws listed in subclause
5 (II), including any agreement en-
6 tered into with an enforcement
7 agency.

8 (II) LABOR LAWS.—The labor
9 laws described in this subclause are
10 each of the following:

11 (aa) The Fair Labor Stand-
12 ards Act of 1938 (29 U.S.C. 201
13 et seq.).

14 (bb) Title VII of the Civil
15 Rights Act of 1964 (42 U.S.C.
16 2000e et seq.).

17 (cc) The Occupational Safe-
18 ty and Health Act of 1970 (29
19 U.S.C. 651 et seq.).

20 (III) RESPONSIBLE SOURCE.—
21 The Secretary shall consider informa-
22 tion disclosed by a domestic work hir-
23 ing entity under this clause to deter-
24 mine whether the entity has a satis-
25 factory record of integrity and busi-

1 ness ethics for purposes of deter-
2 mining whether the entity shall serve
3 on the Board.

4 (D) DEFINITION OF ELIGIBLE HIRING OR-
5 GANIZATION.—In this paragraph, the term “eli-
6 gible hiring organization” means an organiza-
7 tion that—

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

10 (II) is an association of 2 or more in-
11 dividuals who hire or contract with domes-
12 tic workers; and

13 (ii) submits an application to the Sec-
14 retary at such time, in such manner, and
15 containing such information as the Sec-
16 retary may reasonably require.

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

19 (5) EXECUTIVE COMMITTEE.—The Chairperson
20 shall assign an executive committee of 3 members of
21 the Board, including not less than 1 representative
22 appointed under paragraph (2) and 1 representative
23 appointed under paragraph (3). Such executive com-
24 mittee shall establish an agenda and a work plan for
25 the Board.

1 (c) TERMS.—

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

5 (2) INITIAL MEMBERS.—The Secretary shall
6 stagger the terms of the Board members such
7 that—

8 (A) 6 of the initial members appointed to
9 the Board serve a term of 4 years, including 3
10 of the members described in subsection
11 (b)(1)(A) and 3 of the members described in
12 subsection (b)(1)(B); and

13 (B) 5 of the initial members appointed to
14 the Board serve a term of 2 years, including 2
15 of the members described in subsection
16 (b)(1)(A), 2 of the members described in sub-
17 section (b)(1)(B), and the member described in
18 subsection (b)(1)(C).

19 (3) VACANCIES.—

20 (A) IN GENERAL.—A vacancy on the
21 Board—

22 (i) shall not affect the powers of the
23 Board; and

24 (ii) shall be filled in the same manner
25 as the original appointment was made and

1 shall be subject to any conditions that ap-
2 plied with respect to the original appoint-
3 ment.

4 (B) FILLING UNEXPIRED TERMS.—An in-
5 dividual chosen to fill a vacancy shall be ap-
6 pointed for the unexpired term of the member
7 replaced.

8 (C) PRESUMPTION.—If a member of the
9 Board is unable to fill the duties of the member
10 in serving on the Board, or leaves the domestic
11 service industry, for a period that exceeds 90
12 days while serving on the Board, the seat of the
13 member shall be considered a vacancy for pur-
14 poses of this paragraph.

15 (d) MEETINGS.—

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

18 (2) PUBLIC NOTICE.—The call of the Chair-
19 person under paragraph (1) shall include notice to
20 the public of the meeting.

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

25 (e) STANDARDS.—

1 (1) PROCESS FOR RECOMMENDING STAND-
2 ARDS.—

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

9 (i) workplace standards for domestic
10 workers, including standards for—

11 (I) occupational safety and
12 health, that include the immediate
13 protection of domestic workers and
14 domestic work hiring entities from in-
15 fectionous diseases such as COVID-19;

16 (II) wages;

17 (III) hours;

18 (IV) benefits; and

19 (V) other matters that impact
20 working conditions; and

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

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

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

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

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

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

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

20 (2) RULEMAKING.—

21 (A) AUTHORITY.—Subject to requirements
22 under other law and paragraph (3), the Sec-
23 retary may issue a rule, in accordance with sec-
24 tion 553 of title 5, United States Code, regard-

1 ing any standard recommended by the Board
2 under paragraph (1).

3 (B) DECISION.—

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

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

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

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

24 (C) WORKPLACE STANDARDS.—No stand-
25 ard included in a rule issued under subpara-

graph (A) may be for a workplace standard that is less protective of domestic workers than any law in effect on the date of enactment of this Act for domestic workers under any State or local law.

(3) RECOMMENDATIONS TO CONGRESS.—

(A) IN GENERAL.—For any recommendation made by the Board under paragraph (1) that the Secretary determines is not within the authority of the Secretary, the Secretary shall make a recommendation to Congress to take action on the recommendation.

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

(C) RULEMAKING.—This paragraph is enacted by Congress—

(i) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in

1 that House in the case of a joint resolu-
 2 tion, and it supersedes other rules only to
 3 the extent that it is inconsistent with such
 4 rules; and

5 (ii) with full recognition of the con-
 6 stitutional right of either House to change
 7 the rules (so far as relating to the proce-
 8 dure of that House) at any time, in the
 9 same manner, and to the same extent as in
 10 the case of any other rule of that House.

11 (f) POWERS.—

12 (1) HEARINGS.—

13 (A) IN GENERAL.—The Board may hold
 14 such hearings, meet and act at such times and
 15 places, take such testimony, and receive such
 16 evidence as the Board considers advisable to
 17 carry out this section.

18 (B) REQUIRED PUBLIC HEARINGS.—The
 19 Board shall, prior to issuing any recommenda-
 20 tion under this section, hold public hearings to
 21 enable domestic workers across the United
 22 States to have access to the Board. Any such
 23 public hearing shall—

1 (i) be held at such a time, in such a
2 location, and in such a facility that ensures
3 accessibility for domestic workers;

4 (ii) include interpretation services in
5 the languages most commonly spoken by
6 domestic workers in the geographic region
7 of the hearing;

8 (iii) be held in each of the regions
9 served by the regional offices of the Wage
10 and Hour Division of the Department of
11 Labor; and

12 (iv) include worker organizations in
13 helping to populate the hearings.

14 (2) INFORMATION FROM FEDERAL AGENCIES.—

15 (A) IN GENERAL.—The Board may secure
16 directly from a Federal agency such informa-
17 tion as the Board considers necessary to carry
18 out this section.

19 (B) PROVISION OF INFORMATION.—On re-
20 quest of the Chairperson of the Board, the head
21 of the agency shall provide the information to
22 the Board.

23 (3) POSTAL SERVICES.—The Board may use
24 the United States mails in the same manner and

1 under the same conditions as other agencies of the
2 Federal Government.

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

5 (g) BOARD PERSONNEL MATTERS.—

6 (1) COMPENSATION OF MEMBERS.—

7 (A) NON-FEDERAL EMPLOYEES.—A mem-
8 ber of the Board who is not an officer or em-
9 ployee of the Federal Government shall be com-
10 pensated at a rate equal to the daily equivalent
11 of the annual rate of basic pay prescribed for
12 level IV of the Executive Schedule under section
13 5315 of title 5, United States Code, for each
14 day (including travel time) during which the
15 member is engaged in the performance of the
16 duties of the Board.

17 (B) FEDERAL EMPLOYEES.—A member of
18 the Board who is an officer or employee of the
19 Federal Government shall serve without com-
20 pensation in addition to the compensation re-
21 ceived for the services of the member as an offi-
22 cer or employee of the Federal Government.

23 (2) TRAVEL EXPENSES.—A member of the
24 Board shall be allowed travel expenses, including per
25 diem in lieu of subsistence, at rates authorized for

1 an employee of an agency under subchapter I of
2 chapter 57 of title 5, United States Code, while
3 away from the home or regular place of business of
4 the member in the performance of the duties of the
5 Board.

6 (3) STAFF.—

7 (A) IN GENERAL.—The Chairperson of the
8 Board may, without regard to the civil service
9 laws (including regulations), appoint and termi-
10 nate an executive director and such other addi-
11 tional personnel as are necessary to enable the
12 Board to perform the duties of the Board.

13 (B) REQUIRED STAFF MEMBERS.—The
14 Secretary shall, in accordance with subpara-
15 graph (A), designate no fewer than 2 full-time
16 staff members to support the operation of the
17 Board through logistical, administrative, and
18 legislative activities.

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

22 (D) COMPENSATION.—

23 (i) IN GENERAL.—Except as provided
24 in clause (ii), the Chairperson of the Board
25 may fix the compensation of the executive

1 director and other personnel without re-
 2 gard to the provisions of chapter 51 and
 3 subchapter III of chapter 53 of title 5,
 4 United States Code, relating to classifica-
 5 tion of positions and General Schedule pay
 6 rates.

7 (ii) MAXIMUM RATE OF PAY.—The
 8 rate of pay for the executive director and
 9 other personnel shall not exceed the rate
 10 payable for level V of the Executive Sched-
 11 ule under section 5316 of title 5, United
 12 States Code.

13 (4) DETAIL OF FEDERAL GOVERNMENT EM-
 14 PLOYEES.—

15 (A) IN GENERAL.—An employee of the
 16 Federal Government may be detailed to the
 17 Board without reimbursement.

18 (B) CIVIL SERVICE STATUS.—The detail of
 19 the employee shall be without interruption or
 20 loss of civil service status or privilege.

21 (5) PROCUREMENT OF TEMPORARY AND INTER-
 22 MITTENT SERVICES.—The Chairperson of the Board
 23 may procure temporary and intermittent services in
 24 accordance with section 3109(b) of title 5, United
 25 States Code, at rates for individuals that do not ex-

1 ceed the daily equivalent of the annual rate of basic
2 pay prescribed for level V of the Executive Schedule
3 under section 5316 of that title.

4 (h) RULE OF CONSTRUCTION FOR REPORTING RE-
5 QUIREMENTS.—

6 (1) IN GENERAL.—Neither the nomination by
7 an eligible worker organization of 1 or more individ-
8 uals to serve as members of the Board, nor service
9 on the Board by a representative of an eligible work-
10 er organization, shall—

11 (A) make the eligible worker organization
12 subject to the reporting requirements for labor
13 organizations under title II of the Labor-Man-
14 agement Reporting and Disclosure Act of 1959
15 (29 U.S.C. 431 et seq.); or

16 (B) be considered as a factor in any deter-
17 mination of whether the eligible worker organi-
18 zation is subject to such reporting require-
19 ments.

20 (2) LMRDA REQUIREMENTS.—The status of
21 an organization as an eligible worker organization
22 shall not, by itself, make the organization subject to
23 any reporting requirements under the Labor-Man-
24 agement Reporting and Disclosure Act of 1959 (29
25 U.S.C. 401 et seq.).

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

5 (i) PROHIBITED ACTS.—No domestic work hiring en-
6 tity may take any action prohibited under paragraph (7)
7 of section 117(b) with respect to a domestic worker par-
8 ticipating as a member of, or taking an action described
9 in paragraph (8) of such section with respect to, the
10 Board.

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

16 (k) EFFECT ON EXISTING DOMESTIC WORKER BEN-
17 EFITS.—

18 (1) MORE PROTECTIVE.—Nothing in this sec-
19 tion shall be construed to diminish the obligation of
20 a domestic work hiring entity to comply with any
21 contract, collective bargaining agreement, or any do-
22 mestic worker benefit program or plan that provides
23 greater rights or benefits to domestic workers than
24 the rights established under this Act.

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

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

6 (a) STUDY.—

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

17 (2) MATTERS.—The study conducted under
 18 paragraph (1) shall include—

19 (A) a review of—

20 (i) the levels of access to and usage of
 21 benefits for domestic workers, including re-
 22 tirement savings, health insurance, and re-
 23 duced health care costs, paid sick time, un-
 24 employment insurance, disability and life

1 insurance, and paid family and medical
2 leave;

3 (ii) barriers for domestic workers to—

4 (I) participate in the old-age,
5 survivors, and disability insurance
6 program established under title II of
7 the Social Security Act (42 U.S.C.
8 401 et seq.);

9 (II) obtain disability insurance;

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

1 time, and any additional benefits iden-
 2 tified by the Secretary, including such
 3 benefits that are portable from job to
 4 job;

5 (IV) otherwise access affordable
 6 health insurance; and

7 (V) access any other benefits de-
 8 scribed in clause (i);

9 (iii) the portability of work-related
 10 benefits for domestic workers and the laws,
 11 including regulations, preventing innova-
 12 tion and improvement in the portability of
 13 such benefits; and

14 (iv) whether domestic workers bene-
 15 fitted from the emergency family and med-
 16 ical leave and emergency paid sick leave
 17 provisions under the Families First
 18 Coronavirus Response Act (Public Law
 19 116–127), including the amendments made
 20 by that Act, and lessons learned from the
 21 implementation of these provisions;

22 (B) an identification and analysis of State
 23 and nongovernmental innovations that can serve
 24 as potential replicable models on the national
 25 level to increase access to work-related benefits

1 for domestic workers, through portability, out-
2 reach, enrollment, and other strategies;

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

8 (D) a study on the coverage of domestic
9 workers under State workers' compensation
10 laws, including in all 50 States, the District of
11 Columbia, and territories of the United States;
12 and

13 (E) recommendations for innovations and
14 reforms that would—

15 (i) ensure domestic workers could—

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

1 et seq.), unemployment insurance, any
 2 benefits provided under the Patient
 3 Protection and Affordable Care Act
 4 (Public Law 111–148), including the
 5 amendments made by that Act, paid
 6 family and medical leave, paid sick
 7 time, and any additional benefits iden-
 8 tified by the Secretary, including such
 9 benefits that are portable from job to
 10 job; and

11 (II) have contributions for the
 12 benefits described in subclause (I)
 13 from multiple hiring entities as appli-
 14 cable;

15 (ii) provide adequate levels of such
 16 benefits for domestic workers; and

17 (iii) enable a domestic worker to have
 18 access to such benefits through multiple
 19 jobs the worker may have.

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

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

4 (2) Considerations for laws, including regula-
 5 tions, that should be reviewed to address barriers
 6 impacting domestic workers.

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

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

12 (a) DEFINITIONS.—In this section:

13 (1) SECRETARY.—The term “Secretary” means
 14 the Secretary of Labor, in consultation with the Sec-
 15 retary of Education and the Secretary of Health and
 16 Human Services.

17 (2) SUPPORTIVE SERVICES; TRAINING SERV-
 18 ICES; WORKFORCE INVESTMENT ACTIVITIES.—The
 19 terms “supportive services”, “training services”, and
 20 “workforce investment activities” have the meanings
 21 given the terms in section 3 of the Workforce Inno-
 22 vation and Opportunity Act (29 U.S.C. 3102).

23 (b) NATIONAL GRANT PROGRAM FOR DOMESTIC
 24 WORKERS.—Every 3 years, the Secretary shall, on a com-
 25 petitive basis, make grants to, or enter into contracts with,

1 eligible entities to carry out the activities described in sub-
2 section (d). The Secretary shall make the grants, or enter
3 into the contracts, for periods of 4 years.

4 (c) ELIGIBILITY.—

5 (1) ELIGIBLE ENTITIES.—

6 (A) IN GENERAL.—Subject to subpara-
7 graph (B), to be eligible to receive a grant or
8 enter into a contract under this section, an enti-
9 ty shall be—

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

15 (II) an organization with a board of
16 directors, at least one-half of the members
17 of which is comprised of—

18 (aa) domestic workers; or

19 (bb) representatives of an organi-
20 zation of such workers, which organi-
21 zation is independent from all busi-
22 nesses, organizations, corporations, or
23 individuals that would pursue any fi-
24 nancial interest in conflict with that
25 of the workers;

(III) an organization that is independent as described in subclause (II)(bb); and

(IV) an organization that has expertise in domestic work and the workforce of domestic workers;

(ii) an eligible provider of training services listed pursuant to section 122(d) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3152(d)); or

(iii) an entity that carries out a program registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.).

(B) ELIGIBLE ENTITY THAT TRAINS PERSONAL CARE AIDES OR ASSISTANTS.—In the case of an entity that plans to use a grant or cooperative agreement under this section to train personal care aides or assistants, such entity shall, to be eligible for such grant or contract, partner with individuals with disabilities or organizations that represent individuals with disabilities.

(2) PROGRAM PLAN.—

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

8 (B) CONTENTS.—Such plan shall—

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

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

23 (iii) specifically address how the fund-
24 ing provided through the grant or contract
25 for services under this section to domestic

1 workers will improve wages and skills for
2 domestic workers in a way that helps meet
3 the need to recruit workers for and retain
4 workers in in-demand occupations or ca-
5 reers; and

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

14 (I) regarding the rights of recipi-
15 ents of home and community based
16 services, including the rights of such
17 recipients to—

18 (aa) receive services in inte-
19 grated settings that provide ac-
20 cess to the broader community;

21 (bb) exercise self-determina-
22 tion;

23 (cc) be free from all forms
24 of abuse, neglect, or exploitation;
25 and

1 (dd) receive person-centered
 2 planning and practices, including
 3 through the participation of such
 4 recipients in planning activities;

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

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

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

23 (d) AUTHORIZED ACTIVITIES.—Funds made avail-
 24 able under this section shall be used to carry out workforce

1 investment activities and provide related assistance for do-
2 mestic workers, which may include—

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

9 (2) follow-up services for those individuals
10 placed in employment;

11 (3) development or education as needed by eligi-
12 ble individuals as identified;

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

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

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

1 (f) ELIGIBLE PROVIDER PERFORMANCE REPORTS.—

2 Each eligible entity shall prepare performance reports to
3 report on outcomes achieved by the programs of workforce
4 investment activities and related assistance carried out
5 under this section. The performance report for an eligible
6 entity shall include, with respect to each such program (re-
7 ferred to in this subsection as a “program of study”) of
8 such provider—

9 (1) information specifying the levels of perform-
10 ance achieved with respect to the primary indicators
11 of performance described in subclauses (I) through
12 (V) of section 116(b)(2)(A)(i) of the Workforce In-
13 novation and Opportunity Act (29 U.S.C.
14 3141(b)(2)(A)(i)) with respect to all individuals en-
15 gaging in the program of study;

16 (2) the total number of individuals exiting from
17 the program of study;

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

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

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

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

10 **SEC. 204. REPORT ON CAREER PATHWAYS, TRAINING**
 11 **STANDARDS, AND APPRENTICESHIPS FOR**
 12 **DOMESTIC WORKERS.**

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

17 (b) PREPARATION.—

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

24 (2) CONTENTS.—The study required under
 25 paragraph (1) shall—

1 (A)(i) examine how the establishment or
2 expansion of career pathways, national training
3 standards, registered apprenticeship programs,
4 or credentials could enable the Nation to meet
5 the growing demand for domestic workers; and

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

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

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

21 (C) examine whether any amendments to
22 the Workforce Innovation and Opportunity Act
23 (29 U.S.C. 3101 et seq.) after the date of en-
24 actment of this Act should include assistance,
25 through grants and contracts, specifically for

1 domestic workers to improve outreach, training,
 2 education, and other assistance and support ac-
 3 tivities for such workers.

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

9 (c) SUBMISSION OF REPORTS.—

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

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

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

23 **SEC. 301. DEFINITIONS.**

24 In this title:

1 (1) DOMESTIC WORKERS BILL OF RIGHTS.—

2 The term “domestic workers bill of rights”—

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

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

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

14 (iii) any minimum wage for domestic
15 workers that may be established pursuant
16 to a recommendation to Congress under
17 section 201(e)(3);

18 (iv) the protection against retaliation
19 under section 15(a)(3) of the Fair Labor
20 Standards Act of 1938 (29 U.S.C.
21 215(a)(3));

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (I) domestic workers; or

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

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

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

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

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

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

8 (3) NOTICE OF DOMESTIC WORKER RIGHTS.—

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

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

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

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

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

1 (A) a written document made available on-
 2 line, including through the website described in
 3 subsection (b); and

4 (B) available in English, Spanish, and
 5 other languages understood by domestic work-
 6 ers, which shall be determined by the Secretary
 7 and include, at a minimum, the translation lan-
 8 guages for the basic information fact sheet (or
 9 any successor document) produced by the De-
 10 partment of Labor.

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

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

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

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

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

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

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

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

16 (d) DUTIES.—

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

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

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

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

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

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

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

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

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

6 (3) JOINT ENFORCEMENT.—

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

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

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

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

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

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

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

12 (a) PROGRAM AUTHORIZED.—

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

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

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

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

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

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

17 (b) APPLICATIONS.—

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

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

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

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

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

12 (B) information on the training and edu-
13 cation that will be provided to domestic workers
14 and domestic work hiring entities under such
15 program.

16 (c) SELECTION.—

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

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

1 availability of appropriations and the applications
2 submitted.

3 (d) USE OF FUNDS.—An eligible entity receiving a
4 grant under this section shall use grant funds to develop
5 a community partnership and establish and support,
6 through the partnership, 1 or more of the following activi-
7 ties:

8 (1) Disseminating information and conducting
9 outreach and training to educate domestic workers
10 about the rights and protections provided under the
11 domestic workers bill of rights.

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

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

20 (4) Providing mediation services between pri-
21 vate-pay employers and workers.

22 (5) Providing assistance to domestic workers in
23 filing claims relating to violations of the domestic
24 workers bill of rights, either administratively or in
25 court.

1 (6) Monitoring compliance by domestic work
2 hiring entities with the domestic workers bill of
3 rights.

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

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

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

13 (10) Producing and disseminating outreach and
14 training materials.

15 (11) Any other activity as the Secretary may
16 reasonably prescribe through notice and comment
17 rulemaking.

18 (e) MEMORANDA OF UNDERSTANDING.—

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

1 (2) SIGNATURES.—A representative of the eligi-
 2 ble entity receiving a grant (or, in the case of an eli-
 3 gible entity that is a partnership, a representative of
 4 each organization in the partnership) and the Sec-
 5 retary shall sign the memorandum of understanding
 6 under this subsection.

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

11 (f) AUTHORIZATION OF APPROPRIATIONS.—There
 12 are authorized to be appropriated such sums as may be
 13 necessary to carry out this section.

14 **SEC. 305. ENCOURAGING THE USE OF FISCAL INTER-**
 15 **MEDIARIES.**

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

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

23 (a) RULE OF CONSTRUCTION.—Nothing in this Act
 24 or the amendments made by this Act shall be construed
 25 to limit the authority of the Secretary of Labor or the

1 States to enforce labor laws, or promulgate regulations,
2 with respect to work performed by an individual who is—

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

6 (2) present in the United States pursuant to a
7 visa issued under section 101(a)(15)(J) of the Immi-
8 gration and Nationality Act (8 U.S.C.
9 1101(a)(15)(J)).

10 (b) NOTIFICATION OF RIGHTS.—

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

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

21 (B) provide to each such au pair—

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

1 (ii) information with respect to the
2 manner in which the au pair may contact
3 the Department of Labor to request assist-
4 ance.

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

11 **SEC. 307. APPLICATION TO DOMESTIC WORKERS WHO PRO-**
12 **VIDE MEDICAID-FUNDED SERVICES.**

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

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

1 tity (as defined in section 1932(a)(1)(B) of the So-
2 cial Security Act (42 U.S.C. 1396u-2(a)(1)(B))), to
3 individuals enrolled in such plan or waiver. The reg-
4 ulations issued under this paragraph shall recognize
5 the role of self-directed care for individuals with dis-
6 abilities and shall—

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

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

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

21 (D) facilitate Federal and State compli-
22 ance with section 504 of the Rehabilitation Act
23 of 1973 (29 U.S.C. 794), the Americans with
24 Disabilities Act of 1990 (42 U.S.C. 12101 et
25 seq.), and the holdings of the Supreme Court in

1 Olmstead v. L.C., 527 U.S. 581 (1999), and
2 companion cases; and

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

11 (2) Regulations regarding—

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

19 (B) how States may use funds provided as
20 a result of the increased Federal medical assist-
21 ance percentage for services provided by domes-
22 tic workers under section 1905(jj) of such Act
23 (42 U.S.C. 196d(jj)) (as added by section 401)
24 for such costs.

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

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

6 (2) Personal care services authorized under
7 paragraph (24) of such section.

8 (3) PACE services authorized under paragraph
9 (26) of such section.

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

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

21 (6) Rehabilitative services, including those re-
22 lated to behavioral health, described in section
23 1905(a)(13) of such Act (42 U.S.C. 1396d(a)(13)).

24 (7) Such other services specified by the Sec-
25 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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