

119TH CONGRESS
1ST SESSION

S. 3396

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

IN THE SENATE OF THE UNITED STATES

DECEMBER 9, 2025

Mrs. GILLIBRAND (for herself, Mr. LUJÁN, Mr. BLUMENTHAL, Mr. FETTERMAN, Mr. KAINE, Mr. SANDERS, Ms. DUCKWORTH, Ms. WARREN, Mr. MERKLEY, Mr. DURBIN, Mr. MARKEY, Ms. KLOBUCHAR, Mr. SCHIFF, Ms. BALDWIN, Mr. PADILLA, Mr. BOOKER, and Mrs. MURRAY) 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 employees, 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.
- Sec. 4. Rulemaking authority.

Sec. 5. Rule of construction.

TITLE I—DOMESTIC EMPLOYEE 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 Employee 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—Amendment to Title VII of the Civil Rights Act of 1964

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

TITLE II—STANDARDS BOARD AND BENEFITS

- Sec. 201. Domestic Employee Standards Board.
- Sec. 202. Domestic employees' benefits study.

TITLE III—IMPLEMENTATION OF THE DOMESTIC WORKERS BILL OF RIGHTS

- Sec. 301. Definitions.
- Sec. 302. Notice of domestic employee rights.
- Sec. 303. Interagency Task Force on Domestic Workers Bill of Rights Enforcement.
- Sec. 304. National Domestic Employee Hotline.
- Sec. 305. National grant for community-based education, outreach, and enforcement of domestic employee rights.
- Sec. 306. Encouraging the use of fiscal intermediaries.
- Sec. 307. Application to domestic employees 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 employees.
- Sec. 402. 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 employees across the United States working in pri-
5 vate homes to provide direct care, child care, and
6 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 employees 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, were deemed essential. This crisis showed
18 how essential these jobs have always been to our
19 economy. At great risk to the health of themselves
20 and their families, domestic employees worked on
21 the frontlines of the pandemic to provide care to
22 those more vulnerable to COVID–19, seniors, and
23 individuals with disabilities, and provided child care
24 for the children of essential workers and other work-
25 ers. A study of Black immigrant domestic employees
26 conducted by the Institute for Policy Studies and

1 the National Domestic Workers Alliance in May and
2 June of 2020 found that 25 percent of employees
3 surveyed experienced or lived with someone who had
4 experienced COVID–19 symptoms. Seventy-three
5 percent of such employees surveyed indicated that
6 they did not receive personal protective equipment
7 (“PPE”) from their employers.

8 (4) Domestic employees experienced a rapid
9 and sustained loss of jobs during the COVID–19
10 pandemic, which exacerbated the existing financial
11 insecurity experienced by many domestic employees.
12 Surveys from the National Domestic Workers Alli-
13 ance and NDWA Labs between March and Sep-
14 tember 2020 found that for 6 consecutive months,
15 more than half of domestic employees surveyed were
16 unable to pay their rent or mortgage. Nearly 75 per-
17 cent of employees surveyed did not receive any com-
18 pensation when their jobs were canceled.

19 (5) The employment of individuals in domestic
20 service in households affects commerce, as described
21 in section 2(a) of the Fair Labor Standards Act of
22 1938 (29 U.S.C. 202(a)), and thus many domestic
23 employees are employees covered under the Fair
24 Labor Standards Act of 1938. Moreover, domestic

1 services provided by any domestic employee for an
2 employer affect commerce.

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

8 (7) In 2025, the Bureau of Labor Statistics
9 predicted that between 2023 and 2033—

10 (A) the number of new jobs for home
11 health and personal care aides will increase by
12 21 percent, which is an increase of 820,500
13 jobs; and

14 (B) approximately 162,500 openings for
15 child care positions are projected each year, on
16 average, during such period.

17 (8) An increasing number of employees, includ-
18 ing domestic employees, are finding work on online
19 platforms. An analysis from the JPMorgan Chase
20 Institute found that between 2013 and 2020, the
21 percentage of adults that had earned income from
22 online platforms increased from 0.3 percent to 2.5
23 percent.

24 (9) Nearly 9 out of 10 domestic employees are
25 women and such women are disproportionately peo-

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

9 (10) Domestic employees are paid low wages,
10 can be subjected to workplace health and safety haz-
11 ards, and face difficulties saving for retirement. An
12 Economic Policy Institute analysis of data from the
13 Current Population Survey indicates that the me-
14 dian wage for a domestic employee is approximately
15 \$16.58 per hour, and an Economic Policy Institute
16 analysis of data from the American Community Sur-
17 vey indicates that the median annual wage for such
18 an employee is approximately \$20,926. In practice,
19 the median hourly and annual wages for domestic
20 employees are less than those approximations given
21 that domestic work has largely been negotiated in
22 the informal labor market.

23 (11) Domestic employees experience high rates
24 of poverty. An Economic Policy Institute analysis of
25 data from the Current Population Survey found do-

1 mestic workers to be 3 times as likely to be living
2 below the Federal poverty level than other workers,
3 and nearly 3 times as likely to be struggling to make
4 ends meet compared to other workers.

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

17 (13) A landmark study of domestic employees
18 published in 2012 by the National Domestic Work-
19 ers Alliance, the Center for Urban Economic Devel-
20 opment of the University of Illinois at Chicago, and
21 DataCenter titled "Home Economics: The Invisible
22 and Unregulated World of Domestic Work" indi-
23 cated poor working conditions across the domestic
24 service industry. The results of this study were later
25 published in a 2019 academic article titled "Work-

1 place Health and Safety Hazards Faced by the In-
2 formally Employed Domestic Workers in the United
3 States” in the journal Workplace Health & Safety.
4 The findings of such study included that—

5 (A) domestic employees have little control
6 over their working conditions and employment
7 is usually arranged without a written contract;

8 (B) 35 percent of domestic employees
9 interviewed reported that they worked long
10 hours without breaks in the year immediately
11 preceding the interview;

12 (C) 25 percent of live-in domestic employ-
13 ees had responsibilities that prevented them
14 from getting at least 5 hours of uninterrupted
15 sleep at night during the week immediately pre-
16 ceding the interview; and

17 (D) 65 percent of domestic employees
18 interviewed who encountered problems with
19 their working conditions in the year imme-
20 diately preceding the interview did not complain
21 about their working conditions because they
22 were afraid they would lose their job.

23 (14) A 2018 study from the Economic Policy
24 Institute found that domestic employees have little

1 access to federally supported employment benefits.

2 For instance—

3 (A) less than 10 percent of such employees
4 receive employer-sponsored retirement benefits;
5 and

6 (B) less than 20 percent of such employees
7 receive employer-sponsored health insurance.

8 (15) Compounding these challenges is the fact
9 that many domestic employees have been, and in
10 many cases continue to be, excluded from key provi-
11 sions of labor and employment laws like the Occupa-
12 tional Safety and Health Act of 1970 (29 U.S.C.
13 651 et seq.) and the National Labor Relations Act
14 (29 U.S.C. 151 et seq.). Live-in domestic employees
15 solely employed by private households remain ex-
16 cluded from the overtime protections under the Fair
17 Labor Standards Act of 1938 (29 U.S.C. 201 et
18 seq.). Minimum employee threshold rules,
19 misclassification of domestic employees as inde-
20 pendent contractors, and exclusion of independent
21 contractors from coverage mean that most domestic
22 employees are also de facto excluded from Federal
23 civil rights protections, including protections under
24 title VII of the Civil Rights Act of 1964 (29 U.S.C.
25 2000e et seq.) and other laws.

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

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

20 (18) Many domestic employees are also vulner-
21 able to discrimination and sexual harassment. These
22 issues are further exacerbated by the unique working
23 conditions faced by domestic employees, such as iso-
24 lation, poverty, immigration status, the lack of fa-
25 miliarity with the law and legal processes, limited

1 networks for support, language barriers, and fear of
2 retaliation and deportation.

3 (19) Millions of older individuals, individuals
4 with disabilities, and families are increasingly relying
5 on domestic employees. Transforming domestic work
6 jobs into good jobs with family sustaining wages and
7 access to benefits can reduce high turnover due to
8 poor working conditions, thereby enhancing quality
9 of care, and supporting the millions of working and
10 retired people of the United States who rely on
11 them.

12 **SEC. 3. DEFINITIONS.**

13 (a) FAIR LABOR STANDARDS ACT OF 1938 DEFINI-
14 TIONS.—In this Act:

15 (1) COMMERCE; EMPLOY; EMPLOYEE; GOODS;
16 PERSON; STATE.—The terms “commerce”, “em-
17 ploy”, “employee”, “employer”, “enterprise”, “en-
18 terprise engaged in commerce or in the production
19 of goods for commerce”, “goods”, “person”, and
20 “State” have the meanings given such terms in sec-
21 tion 3 of the Fair Labor Standards Act of 1938 (29
22 U.S.C. 203).

23 (2) REGULAR RATE.—The term “regular rate”
24 has the meaning given such term in section 7(e) of
25 such Act (29 U.S.C. 207(e)).

1 (b) OTHER DEFINITIONS.—In this Act:

2 (1) CHILD.—The term “child”—

3 (A) means an individual who is under 18
4 years of age; and

5 (B) includes an individual described in
6 subparagraph (A) who is—

7 (i) a biological, foster, or adopted
8 child;

9 (ii) a stepchild;

10 (iii) a child of a domestic partner;

11 (iv) a legal ward; or

12 (v) a child of a person standing in
13 loco parentis.

14 (2) DISABILITY.—The term “disability” has the
15 meaning given the term in section 3 of the Ameri-
16 cans with Disabilities Act of 1990 (42 U.S.C.
17 12102).

18 (3) DOMESTIC EMPLOYEE.—The term “domes-
19 tic employee”—

20 (A) means, except as provided in subpara-
21 graph (B), an employee who is employed by an
22 employer for the performance of domestic serv-
23 ices; and

24 (B) does not include—

1 (i) any individual who is a family
 2 member, friend, neighbor, or parent of a
 3 child and who provides child care for the
 4 child in the child's home;

5 (ii) any individual who is—

6 (I) an employee of a family child
 7 care provider; or

8 (II) a family child care provider;
 9 and

10 (iii) any individual who is an employee
 11 described in section 13(a)(15) of the Fair
 12 Labor Standards Act of 1938 (29 U.S.C.
 13 213(a)(15)).

14 (4) DOMESTIC PARTNER.—

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

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

22 (i) means a relationship between 2 in-
 23 dividuals, each at least 18 years of age, in
 24 which both individuals share responsibility

1 for a significant measure of each other's
2 common welfare; and

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

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

12 (A) means services—

13 (i) of a household nature; and

14 (ii) performed by an individual in or
15 about a private home (permanent or tem-
16 porary); and

17 (B) includes services performed by individ-
18 uals such as companions, babysitters, cooks,
19 waiters, butlers, valets, maids, housekeepers,
20 nannies, nurses, janitors, laundresses, care-
21 takers, handymen, gardeners, home health
22 aides, personal care aides or assistants, and
23 chauffeurs of automobiles for family use.

24 (6) FAMILY CHILD CARE PROVIDER.—The term
25 “family child care provider” means 1 or more indi-

viduals who provide child care services, in a private residence other than the residence of the child receiving the services, for fewer than 24 hours per day for the child (unless the nature of the work of the parent of the child requires 24-hour care).

(7) MEDICAID HCBS-ELIGIBLE ELDERLY INDIVIDUAL.—The term “Medicaid HCBS-eligible elderly individual” means an individual who—

(A) is 65 years of age or older;

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

(i) Home health care services authorized under paragraph (7) of section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)).

1 (ii) Personal care services authorized
2 under paragraph (24) of such section.

3 (iii) PACE services authorized under
4 paragraph (26) of such section.

5 (iv) Home and community-based serv-
6 ices authorized under subsections (b), (c),
7 (i), (j), and (k) of section 1915 of such Act
8 (42 U.S.C. 1396n), such services author-
9 ized under a waiver under section 1115 of
10 such Act (42 U.S.C. 1315), and such serv-
11 ices provided through coverage authorized
12 under section 1937 of such Act (42 U.S.C.
13 1396u-7).

14 (v) Case management services author-
15 ized under section 1905(a)(19) of the So-
16 cial Security Act (42 U.S.C. 1396d(a)(19))
17 and section 1915(g) of such Act (42
18 U.S.C. 1396n(g)).

19 (vi) Rehabilitative services, including
20 those related to behavioral health, de-
21 scribed in section 1905(a)(13) of such Act
22 (42 U.S.C. 1396d(a)(13)).

23 (vii) Such other services specified by
24 the Secretary of Health and Human Serv-
25 ices.

1 (8) ON-CALL.—The term “on-call”, with respect
 2 to a domestic employee, means any period of time
 3 that the employer of the domestic employee requires
 4 the domestic employee to—

5 (A) be available to work; and

6 (B) wait to contact, or to be contacted by,
 7 the employer to determine whether the domestic
 8 employee will be required to report to work dur-
 9 ing that period of time.

10 (9) PARENT.—The term “parent”, with respect
 11 to an individual, means a biological, foster, or adop-
 12 tive parent of the individual, a stepparent of the in-
 13 dividual, parent-in-law of the individual, parent of a
 14 domestic partner of the individual, or a legal guard-
 15 ian or other person who stood in loco parentis to the
 16 individual when the individual was a child.

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

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

1 ent to accomplish activities of daily living or instru-
 2 mental activities of daily living.

3 (12) SECRETARY.—The term “Secretary”
 4 means the Secretary of Labor.

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

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

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

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

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

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

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

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

15 (15) SPOUSE.—The term “spouse”, with re-
16 spect to an individual, means another individual with
17 whom the individual entered into a marriage (includ-
18 ing a common law or same-sex marriage)—

19 (A) as defined or recognized under the law
20 in the State in which the marriage was entered
21 into; or

22 (B) that, in the case of a marriage entered
23 into outside of any State, is recognized in the
24 place where entered into and could have been
25 entered into in at least 1 State.

1 **SEC. 4. RULEMAKING AUTHORITY.**

2 The Secretary shall have the authority to promulgate
3 rules to carry out this Act.

4 **SEC. 5. RULE OF CONSTRUCTION.**

5 For purposes of this Act, any domestic services per-
6 formed by a domestic employee for an employer are con-
7 sidered to affect commerce.

8 **TITLE I—DOMESTIC EMPLOYEE**
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 is employed in domestic
26 service in a household and resides in such household.

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

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

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

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

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

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

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

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

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

4 “(3) EXCEPTION.—

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

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

17 “(i) made in writing and provided to
18 the live-in domestic employee not later
19 than 48 hours after the employer has
20 knowledge of the conduct of the live-in do-
21 mestic employee resulting in the allegation;

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

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

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

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

6 “(A) provide the live-in domestic employee
7 with the ability, and reasonable opportunity, to
8 access telephone and internet services in accord-
9 ance with paragraph (2); and

10 “(B) without interference by the employer,
11 permit the live-in domestic employee to send
12 and receive communications by text message,
13 social media, electronic or regular mail, and
14 telephone calls.

15 “(2) TELEPHONE AND INTERNET SERVICES.—

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

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

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

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

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

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

SEC. 103. ENFORCEMENT.

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

(1) in paragraph (5), by striking “; and”;

(2) in paragraph (6), by striking the period and
inserting “; and”; and

(3) by adding at the end the following:

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

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

(1) in subsection (b)—

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

11 (B) in the seventh sentence—

12 (i) by striking “or the amount of un-
 13 paid overtime compensation” and inserting
 14 “the amount of unpaid overtime compensa-
 15 tion, or the amount of severance pay or
 16 other damages”; and

17 (ii) by striking “section 6 or section
 18 7” and inserting “section 6, 7, or 8”; and

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

1 (c) INJUNCTION PROCEEDINGS.—Section 17 of the
 2 Fair Labor Standards Act of 1938 (29 U.S.C. 217) is
 3 amended by striking “(except sums” and inserting “and
 4 in the case of violations of section 15(a)(7) the restraint
 5 of any withholding of severance pay and other damages
 6 found by the court to be due to employees under this Act
 7 (except, in either case, sums”.

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

14 **Subtitle B—Domestic Employee** 15 **Rights**

16 **SEC. 110. WRITTEN AGREEMENTS.**

17 (a) COVERED DOMESTIC EMPLOYEE.—In this sec-
 18 tion, the term “covered domestic employee” means any do-
 19 mestic employee to whom the employer of the domestic
 20 employee expects to provide compensation for the perform-
 21 ance of domestic services by the domestic employee for not
 22 less than 8 hours per week.

23 (b) REQUIREMENT.—Each employer shall provide a
 24 written agreement in accordance with this section to each
 25 covered domestic employee employed by the employer.

1 (c) WRITTEN AGREEMENT REQUIREMENTS.—A writ-
 2 ten agreement required under this section shall—

3 (1) be signed and dated by the covered domestic
 4 employee and the employer;

5 (2) be written in—

6 (A) a language easily and fully understood
 7 by the covered domestic employee and the em-
 8 ployer, which may be in multiple languages if
 9 the employee and the employer do not easily
 10 and fully understand the same language; and

11 (B) plain language;

12 (3) include the contents described in subsection
 13 (d); and

14 (4) be provided in accordance with subsection
 15 (e).

16 (d) CONTENTS OF THE WRITTEN AGREEMENT.—

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

19 (A) The full name, address, and contact
 20 information of the employer, including, as ap-
 21 propriate, any “doing business as” name of the
 22 employer and the name of each individual of the
 23 employer who will be doing business with the
 24 covered domestic employee.

1 (B) The address for the location where the
2 covered domestic employee will be providing do-
3 mestic services for the employer.

4 (C) All responsibilities to be performed by
5 the covered domestic employee for the employer,
6 and the regularity in which such responsibilities
7 are to be performed.

8 (D) The hourly pay rate of the covered do-
9 mestic employee for any work week, including
10 the overtime pay rate.

11 (E) The day of the week when the covered
12 domestic employee will be paid.

13 (F) The required working hours for any
14 work week, including—

15 (i) the time of day and day of week
16 the work of the covered domestic employee
17 begins;

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

20 (iii) time off, including paid holidays
21 and paid vacations;

22 (iv) the work schedule of the employee
23 at the time of hire, including—

24 (I) the time of day and the days
25 of the week the covered domestic em-

1 ployee will be expected to work for the
2 employer each week; or

3 (II) if the time of day or the days
4 of the week that the covered domestic
5 employee will be expected to work for
6 the employer will vary from week to
7 week, information regarding a good
8 faith estimate of the days and hours
9 for which the covered domestic em-
10 ployee will be expected to work for the
11 employer each week, including, at
12 minimum—

13 (aa) the average number of
14 hours the covered domestic em-
15 ployee will be expected to work
16 for the employer each week dur-
17 ing a typical 90-day period;

18 (bb) whether the covered do-
19 mestic employee can expect to be
20 on-call;

21 (cc) a subset of days the
22 covered domestic employee can
23 typically expect to work (or to be
24 scheduled as off from work) for
25 the employer; and

1 (dd) the amount of notice
2 that the employer will provide to
3 the covered domestic employee in
4 advance of scheduled work hours
5 (as defined in section 112(a)),
6 which shall not be less than 72
7 hours before such scheduled work
8 hours are to begin (except during
9 a period described in subpara-
10 graph (A) of section 112(e)(1), in
11 a case described in subparagraph
12 (B) of such section, or in the
13 case of a shared living arrange-
14 ment), and the manner in which
15 such notice shall be provided;

16 (v) how the employer will provide pay
17 for last-minute changes to scheduled work
18 hours as described in section 112(c); and

19 (vi) how the employee can request and
20 receive a change to scheduled work hours
21 due to personal events as described in sec-
22 tion 113.

23 (G) Information about policies, procedures,
24 and equipment related to safety and emer-
25 gencies.

1 (H) The policy of the employer pertaining
2 to notice of termination of the covered domestic
3 employee by the employer.

4 (I) A description of the process for the cov-
5 ered domestic employee to raise or address
6 grievances with respect to, or breaches of, the
7 written agreement, including that the grievance
8 process shall not be construed to be an exhaus-
9 tion of remedies requirement and shall not pre-
10 vent the covered domestic employee from going
11 directly to a relevant enforcement agency or a
12 court to enforce any right conferred by this Act
13 or another law.

14 (J) In the case of a covered domestic em-
15 ployee who resides in the household of the per-
16 son for whom the covered domestic employee
17 provides domestic services—

18 (i) the circumstances under which the
19 employer may enter the designated living
20 space of the covered domestic employee;

21 (ii) the circumstances under which the
22 covered domestic employee, in a shared liv-
23 ing arrangement, may enter the designated
24 living space of the employer; and

1 (iii) a description of certain cir-
2 cumstances the employer determines as
3 cause for—

4 (I) immediate termination of the
5 covered domestic employee; 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 employee from the
10 household of the person for whom the
11 employee provides domestic services
12 not later than 48 hours after notice of
13 the termination.

14 (K) If applicable, any policies of the em-
15 ployer with respect to the covered domestic em-
16 ployee for—

17 (i) paying for or providing reimburse-
18 ment for—

19 (I) health insurance;

20 (II) transportation, meals, or
21 lodging; or

22 (III) any fees or costs associated
23 with the domestic services provided by
24 the covered domestic employee for the
25 employer;

- 1 (ii) annual or other pay increases;
- 2 (iii) severance pay; and
- 3 (iv) providing materials or equipment
- 4 related to the performance of domestic
- 5 service by the covered domestic employee,
- 6 including (if applicable) any cleaning sup-
- 7 plies provided by the employer.

8 (L) Any other benefits afforded to the cov-
 9 ered domestic employee by the employer.

10 (M) A description of the process used by
 11 the employer to change any policy described in
 12 subparagraphs (A) through (L), including ad-
 13 dressing additional compensation if responsibil-
 14 ities are added to those described in subpara-
 15 graph (C), after the date on which the written
 16 agreement is provided to the covered domestic
 17 employee.

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

20 (A) contain—

- 21 (i) a predispute arbitration agreement
- 22 (as such term is defined in section 401 of
- 23 title 9, United States Code) for claims
- 24 made by a covered domestic employee

1 against an employer regarding the legal
2 rights of the employee; or

3 (ii) a nondisclosure agreement, non-
4 compete agreement, or nondisparagement
5 agreement that limits the ability of the
6 covered domestic employee to seek com-
7 pensation for performing domestic services
8 after the employee ceases to receive com-
9 pensation from the employer for the per-
10 formance of domestic services; and

11 (B) be construed to waive the rights or
12 protections of a domestic employee under Fed-
13 eral, State, or local law.

14 (e) TIMING.—

15 (1) INITIAL AGREEMENT.—An employer shall
16 provide a written agreement required under this sec-
17 tion—

18 (A) to each covered domestic employee
19 hired by the employer after the date of enact-
20 ment of this Act on a day that, at the discretion
21 of the employer, is—

22 (i) not more than 5 days after the
23 covered domestic employee is hired; or

1 (ii) the day before the first day that
2 the covered domestic employee performs
3 domestic services for the employer; and

4 (B) to each covered domestic employee
5 hired on or before the date of enactment of this
6 Act, not more than 180 days after such date of
7 enactment.

8 (2) SUBSEQUENT AGREEMENTS.—Not later
9 than 30 calendar days after the date on which an
10 employer makes a change to a written agreement
11 provided to a covered domestic employee under this
12 section, the employer shall provide the covered do-
13 mestic employee with an updated agreement in ac-
14 cordance with this section.

15 (f) RECORDS.—An employer that is required to pro-
16 vide a written agreement under this section to a covered
17 domestic employee shall retain such agreement for a pe-
18 riod of not less than 3 years from the date on which the
19 covered domestic employee is no longer working for the
20 employer.

21 (g) MODEL WRITTEN AGREEMENTS.—

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

1 (2) REQUIREMENTS.—A model written agree-
 2 ment required under paragraph (1) shall be available
 3 in multiple languages commonly understood by do-
 4 mestic employees, including all languages in which
 5 the Secretary, acting through the Administrator of
 6 the Wage and Hour Division, translates a basic in-
 7 formation fact sheet published by the Administrator.

8 **SEC. 111. EARNED SICK DAYS.**

9 (a) DEFINITIONS.—In this section:

10 (1) DOMESTIC EMPLOYEE.—The term “domes-
 11 tic employee” means a domestic employee, as defined
 12 in section 3(b), other than an individual providing
 13 domestic services through a shared living arrange-
 14 ment.

15 (2) DOMESTIC VIOLENCE.—The term “domestic
 16 violence”—

17 (A) has the meaning given the term in sec-
 18 tion 40002(a) of the Violence Against Women
 19 Act of 1994 (34 U.S.C. 12291(a)), except that
 20 the reference in such section to the term “juris-
 21 diction receiving grant funding” shall be
 22 deemed to mean the jurisdiction in which the
 23 victim lives or the jurisdiction in which the em-
 24 ployer of the domestic employee involved is lo-
 25 cated; and

1 (B) includes dating violence, as that term
2 is defined in such section.

3 (3) EMPLOYMENT BENEFITS.—The term “em-
4 ployment benefits” means all benefits provided or
5 made available to a domestic employee by the em-
6 ployer that employs the domestic employee, including
7 group life insurance, health insurance, disability in-
8 surance, sick leave, annual leave, educational bene-
9 fits, and pensions, regardless of whether such bene-
10 fits are provided by a practice or written policy of
11 an employer or through an “employee benefit plan”,
12 as defined in section 3(3) of the Employee Retirement
13 Income Security Act of 1974 (29 U.S.C.
14 1002(3)).

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

17 (A) is—

18 (i) a doctor of medicine or osteopathy
19 who is authorized to practice medicine or
20 surgery (as appropriate) by the State in
21 which the doctor practices; or

22 (ii) any other person determined by
23 the Secretary to be capable of providing
24 health care services; and

1 (B) is not employed by the employer for
2 whom the provider issues certification under
3 this section.

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

10 (6) SEXUAL ASSAULT.—The term “sexual as-
11 sault” has the meaning given the term in section
12 40002(a) of the Violence Against Women Act of
13 1994 (34 U.S.C. 12291(a)).

14 (7) STALKING.—The term “stalking” has the
15 meaning given the term in section 40002(a) of the
16 Violence Against Women Act of 1994 (34 U.S.C.
17 12291(a)).

18 (8) VICTIM SERVICES ORGANIZATION.—The
19 term “victim services organization” means a non-
20 profit, nongovernmental organization that provides
21 assistance to victims of domestic violence, sexual as-
22 sault, or stalking or advocates for such victims, in-
23 cluding a rape crisis center, an organization carrying
24 out a domestic violence, sexual assault, or stalking
25 prevention or treatment program, an organization

1 operating a shelter or providing counseling services,
2 or a legal services organization or other organization
3 providing assistance through the legal process.

4 (b) EARNED PAID SICK TIME.—

5 (1) EARNING OF TIME.—

6 (A) IN GENERAL.—An employer shall pro-
7 vide each domestic employee employed by the
8 employer not less than 1 hour of earned paid
9 sick time for every 30 hours worked, to be used
10 as described in paragraph (2). An employer
11 shall not be required to permit a domestic em-
12 ployee to earn, under this subsection, more than
13 56 hours of paid sick time in a calendar year,
14 unless the employer chooses to set a higher
15 limit.

16 (B) DATES FOR BEGINNING TO EARN PAID
17 SICK TIME AND USE.—

18 (i) IN GENERAL.—A domestic em-
19 ployee—

20 (I) shall begin to earn paid sick
21 time under this subsection at the com-
22 mencement of their employment; and

23 (II) except as provided in clause
24 (ii), may use that earned paid sick

1 time in accordance with this sub-
2 section.

3 (ii) WAITING PERIOD FOR USE OF
4 EARNED PAID SICK TIME.—

5 (I) IN GENERAL.—Except as pro-
6 vided in subclause (II) and subpara-
7 graph (F), a domestic employee may
8 not use any paid sick time earned
9 under this subsection before the day
10 that is the 60th calendar day after
11 commencement of the domestic em-
12 ployee's employment.

13 (II) ADVANCE FOR SICK TIME.—
14 An employer may—

15 (aa) loan paid sick time to a
16 domestic employee employed by
17 the employer for use by such do-
18 mestic employee in advance of
19 the domestic employee earning
20 such sick time; and

21 (bb) notwithstanding sub-
22 clause (I), permit use of earned
23 sick time by a domestic employee
24 before the 60th day of employ-
25 ment of the domestic employee.

1 (C) CARRYOVER.—Paid sick time earned
2 under this subsection shall carry over from one
3 year to the next.

4 (D) EMPLOYERS WITH EXISTING POLI-
5 CIES.—Any employer with a paid leave policy
6 who makes available an amount of paid leave
7 that is sufficient to meet the requirements of
8 this subsection and that may be used for the
9 same purposes and under the same conditions
10 as the purposes and conditions outlined in para-
11 graph (2) shall not be required to permit a do-
12 mestic employee employed by the employer to
13 earn additional paid sick time under this sub-
14 section.

15 (E) CONSTRUCTION.—Nothing in this sub-
16 section shall be construed as requiring financial
17 or other reimbursement to a domestic employee
18 from an employer upon the domestic employee's
19 termination, resignation, retirement, or other
20 separation from employment with the employer
21 for earned paid sick time that has not been
22 used.

23 (F) REINSTATEMENT.—If a domestic em-
24 ployee is separated from employment with an
25 employer and is rehired for employment, within

1 12 months after that separation, by the same
 2 employer, the employer shall reinstate the do-
 3 mestic employee's previously earned paid sick
 4 time. Notwithstanding subparagraph (B)(ii)(I),
 5 the domestic employee shall be entitled to use
 6 the earned paid sick time and earn additional
 7 paid sick time at the recommencement of em-
 8 ployment with the employer.

9 (G) PROHIBITION.—An employer may not
 10 require, as a condition of providing paid sick
 11 time under this subsection, that the domestic
 12 employee involved search for or find a replace-
 13 ment to cover the hours during which the do-
 14 mestic employee is using paid sick time.

15 (2) USES.—Paid sick time earned under this
 16 subsection may be used by a domestic employee for
 17 any of the following:

18 (A) An absence resulting from a physical
 19 or mental illness, injury, or medical condition of
 20 the domestic employee.

21 (B) An absence resulting from obtaining
 22 professional medical diagnosis or care, or pre-
 23 ventive medical care, for the domestic employee.

24 (C) An absence for the purpose of caring
 25 for a child, a parent, a spouse, a domestic part-

ner, or any other individual related by blood or affinity whose close association with the domestic employee is the equivalent of a family relationship, who—

(i) has any of the conditions or needs for diagnosis or care described in subparagraph (A) or (B);

(ii) is required to attend—

(I) in the case of someone who is a child, a school meeting; or

(II) a meeting at a place where the child, parent, spouse, domestic partner, or such other individual is receiving care necessitated by a health condition or disability of the child, parent, spouse, domestic partner, or such other individual.

(iii) is in need of care and is typically cared for by an individual who is unable to provide care because the individual has any of the conditions or needs for diagnosis or care described in subparagraph (A) or (B);

or

(iv) is otherwise in need of care.

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

4 (i) seek medical attention for the do-
5 mestic employee or a child, parent, spouse,
6 domestic partner, or another individual re-
7 lated to the domestic employee as de-
8 scribed in subparagraph (C), to recover
9 from physical or psychological injury or
10 disability caused by domestic violence, sex-
11 ual assault, or stalking;

12 (ii) obtain or assist a child, a parent,
13 a spouse, a domestic partner, or such other
14 individual in obtaining services from a vic-
15 tim services organization;

16 (iii) obtain or assist a child, a parent,
17 a spouse, a domestic partner, or such other
18 individual in obtaining psychological or
19 other counseling;

20 (iv) seek relocation; or

21 (v) take legal action, including pre-
22 paring for or participating in any civil or
23 criminal legal proceeding related to or re-
24 sulting from domestic violence, sexual as-
25 sault, or stalking.

1 (3) PROCEDURES.—

2 (A) IN GENERAL.—Paid sick time shall be
3 provided upon the oral or written request of a
4 domestic employee. Such request shall—

5 (i) include the expected duration of
6 the period of such time; and

7 (ii) be—

8 (I) in a case in which the need
9 for such period of time is foreseeable
10 at least 7 days in advance of such pe-
11 riod, provided at least 7 days in ad-
12 vance of such period; or

13 (II) otherwise, provided as soon
14 as practicable after the domestic em-
15 ployee is aware of the need for such
16 period.

17 (B) CERTIFICATION IN GENERAL.—

18 (i) PROVISION.—

19 (I) IN GENERAL.—Subject to
20 clause (iv), an employer may require
21 that a request for paid sick time
22 under this subsection for a purpose
23 described in subparagraph (A), (B),
24 or (C) of paragraph (2) be supported
25 by a certification issued by the health

1 care provider of the eligible domestic
2 employee or of an individual described
3 in paragraph (2)(C), as appropriate, if
4 the period of such time covers more
5 than 3 consecutive workdays.

6 (II) TIMELINESS.—The domestic
7 employee shall provide a copy of such
8 certification to the employer in a
9 timely manner, not later than 30 days
10 after the first day of the period of
11 time. The employer shall not delay the
12 commencement of the period of time
13 on the basis that the employer has not
14 yet received the certification.

15 (ii) SUFFICIENT CERTIFICATION.—A
16 certification provided under clause (i) shall
17 be sufficient if it states—

18 (I) the date on which the period
19 of paid sick time will be needed;

20 (II) the probable duration of the
21 period of time;

22 (III) for purposes of paid sick
23 time under paragraph (2)(A), a state-
24 ment that absence from work is medi-
25 cally necessary;

1 (IV) for purposes of such time
 2 under paragraph (2)(B), the dates on
 3 which testing for a medical diagnosis
 4 or care is expected to be given the du-
 5 ration of such testing or care; and

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

14 (iii) REGULATIONS.—The Secretary
 15 shall prescribe regulations that shall speci-
 16 fy the manner in which a domestic em-
 17 ployee who does not have health insurance
 18 shall provide a certification for purposes of
 19 this subparagraph.

20 (iv) CONFIDENTIALITY AND NON-
 21 DISCLOSURE.—

22 (I) PROTECTED HEALTH INFOR-
 23 MATION.—Nothing in this section
 24 shall be construed to require a health
 25 care provider to disclose information

1 in violation of section 1177 of the So-
2 cial Security Act (42 U.S.C. 1320d-6)
3 or the regulations promulgated pursu-
4 ant to section 264(c) of the Health
5 Insurance Portability and Account-
6 ability Act of 1996 (42 U.S.C.
7 1320d-2 note).

8 (II) HEALTH INFORMATION
9 RECORDS.—If an employer possesses
10 health information about a domestic
11 employee or a domestic employee’s
12 child, parent, spouse, or domestic
13 partner or another individual related
14 to the domestic employee as described
15 in paragraph (2)(C), such information
16 shall—

17 (aa) be maintained on a sep-
18 arate form and in a separate file
19 from other personnel informa-
20 tion;

21 (bb) be treated as a con-
22 fidential medical record; and

23 (cc) not be disclosed except
24 to the affected domestic employee

1 or with the permission of the af-
2 fected domestic employee.

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

6 (i) IN GENERAL.—An employer may
7 require that a request for paid sick time
8 under this subsection for a purpose de-
9 scribed in paragraph (2)(D) be supported
10 by a form of documentation described in
11 clause (ii) if the period of such time covers
12 more than 3 consecutive workdays.

13 (ii) FORM OF DOCUMENTATION.—A
14 form of documentation described in this
15 subparagraph is any one of the following:

16 (I) A police report indicating that
17 the domestic employee, or individual
18 described in paragraph (2)(D), was a
19 victim of domestic violence, sexual as-
20 sault, or stalking.

21 (II) A court order protecting or
22 separating the domestic employee, or
23 individual described in paragraph
24 (2)(D), from the perpetrator of an act
25 of domestic violence, sexual assault, or

1 stalking, or other evidence from the
2 court or prosecuting attorney that the
3 domestic employee, or individual de-
4 scribed in paragraph (2)(D), has ap-
5 peared in court or is scheduled to ap-
6 pear in court in a proceeding related
7 to domestic violence, sexual assault, or
8 stalking.

9 (III) Other documentation signed
10 by an employee or volunteer working
11 for a victim services organization, an
12 attorney, a police officer, a medical
13 professional, a social worker, an
14 antiviolence counselor, or a member of
15 the clergy, affirming that the domestic
16 employee, or individual described in
17 paragraph (2)(D), is a victim of do-
18 mestic violence, sexual assault, or
19 stalking.

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

1 (I) subclauses (III) through (V)
2 of clause (ii) of such subparagraph
3 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 employee to
9 be absent from work, and the domes-
10 tic employee shall not be required to
11 explain 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 (iv) of such sub-
16 paragraph, any information provided
17 to the employer under this subpara-
18 graph shall be confidential, except to
19 the extent that any disclosure of such
20 information is—

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

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

1 (iv) SPECIFICATION OF DOCUMENTA-
 2 TION.—An employer may not specify which
 3 of the forms of documentation described in
 4 subclause (I), (II), or (III) of clause (ii) is
 5 required to be provided in order to satisfy
 6 the requirement under clause (i).

7 (c) CONSTRUCTION AND APPLICATION.—

8 (1) EFFECT ON OTHER LAWS.—

9 (A) FEDERAL AND STATE ANTI-DISCRIMI-
 10 NATION LAWS.—Nothing in this section shall be
 11 construed to modify or affect any Federal or
 12 State law prohibiting discrimination on the
 13 basis of race, religion, color, national origin, sex
 14 (including sexual orientation and gender iden-
 15 tity), age, disability, marital status, familial sta-
 16 tus, or any other protected status.

17 (B) STATE AND LOCAL LAWS.—Nothing in
 18 this section shall be construed to supersede (in-
 19 cluding preempting) any provision of any State
 20 or local law that provides greater paid sick time
 21 or leave rights (including greater amounts of
 22 paid sick time or leave or greater coverage of
 23 those eligible for paid sick time or leave) than
 24 the rights established under this section.

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

3 (A) MORE PROTECTIVE.—Nothing in this
4 section shall be construed to diminish the obli-
5 gation of an employer to comply with any con-
6 tract, collective bargaining agreement, or em-
7 ployment benefit program or plan that provides
8 greater paid sick leave or other leave rights to
9 domestic employees or other individuals than
10 the rights established under this section.

11 (B) LESS PROTECTIVE.—The rights estab-
12 lished for domestic employees under this section
13 shall not be diminished by any contract, any
14 collective bargaining agreement, or any employ-
15 ment benefit program or plan.

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

19 **SEC. 112. FAIR SCHEDULING PRACTICES.**

20 (a) DEFINITIONS.—In this section:

21 (1) COVERED DOMESTIC EMPLOYEE.—The term
22 “covered domestic employee” has the meaning given
23 the term in section 110(a).

24 (2) SCHEDULED WORK HOURS.—The term
25 “scheduled work hours” means the hours on a speci-

1 fied day during which a domestic employee is,
2 through a written agreement or schedule, required
3 by the employer of the domestic employee to perform
4 domestic services for the employer and for which the
5 domestic employee will receive compensation for such
6 services.

7 (b) REQUIREMENT FOR NOTICE OF COVERED DO-
8 MESTIC EMPLOYEE.—In the case of a covered domestic
9 employee of an employer, the employer shall provide the
10 covered domestic employee notice of the scheduled work
11 hours of such employee through—

12 (1) a written agreement described in subclause
13 (I) of section 110(d)(1)(F)(iv) regarding a schedule
14 of the time of day and the days of the week the cov-
15 ered domestic employee is expected to work for the
16 employer each week; or

17 (2) a schedule agreed upon by the employer and
18 the covered domestic employee provided in the
19 amount of time specified in accordance with a writ-
20 ten agreement described in subclause (II) of such
21 section, regarding a good faith estimate of the time
22 of day and the days of the week that the covered do-
23 mestic employee is expected to work for the em-
24 ployer.

1 (c) REQUIREMENTS FOR CHANGES TO SCHEDULED
2 WORK HOURS AND REPORTING TIME PAY.—An employer
3 shall—

4 (1) communicate in writing (which may be in
5 an electronic form) any change to the scheduled
6 work hours of each domestic employee of the em-
7 ployer, including any on-call shifts, not less than 72
8 hours before the domestic employee is scheduled to
9 begin work; and

10 (2) pay each domestic employee of the em-
11 ployer—

12 (A) the regular rate of pay of the domestic
13 employee for any scheduled work hours the do-
14 mestic employee does not work due to the em-
15 ployer canceling or reducing the scheduled work
16 hours of the domestic employee after the do-
17 mestic employee arrives to work for the sched-
18 uled work hours; or

19 (B) at a rate of $\frac{1}{2}$ of the regular rate of
20 pay of the domestic employee for any scheduled
21 work hours the domestic employee does not
22 work due to the employer canceling or reducing
23 the scheduled work hours of the domestic em-
24 ployee at a time that is less than 72 hours prior

1 to the commencement of such scheduled work
2 hours, unless the employer—

3 (i) is an individual with a disability
4 relying on the domestic employee for dis-
5 ability supports and services (or an em-
6 ployer supporting an individual with a dis-
7 ability); and

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

13 (d) RIGHT TO DECLINE SCHEDULE CHANGES.—

14 (1) IN GENERAL.—If an employer intends to
15 schedule a covered domestic employee for work dur-
16 ing hours that are identified as hours in which the
17 employee can typically expect to be scheduled as off
18 from work in accordance with the written agreement
19 under section 110(d)(1)(F)(iv)(I) or are identified as
20 hours outside of the good faith estimate under sec-
21 tion 110(d)(1)(F)(iv)(II)(cc), the employer shall ob-
22 tain the written consent of the covered domestic em-
23 ployee to work such hours prior to the commence-
24 ment of such work.

1 (2) CONSENT.—A covered domestic employee
2 may provide written consent under paragraph (1) in
3 an electronic format.

4 (e) EXCEPTIONS.—

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

8 (A) during any period in which the oper-
9 ations of the employer cannot begin or continue
10 due to—

11 (i) a fire, flood, or other natural dis-
12 aster;

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

21 (iii) a severe weather condition that
22 poses a threat to employee safety; or

23 (B) in a case in which—

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

4 (ii) the employer changes the sched-
5 uled work hours of a domestic employee
6 due to—

7 (I) a medical emergency requir-
8 ing the emergency medical treatment
9 or hospitalization of the individual for
10 whom the domestic employee is per-
11 forming domestic services or a child, a
12 parent, a spouse, or a domestic part-
13 ner of such individual or any other in-
14 dividual related by blood or affinity
15 whose close association with such indi-
16 vidual is the equivalent of a family re-
17 lationship; or

18 (II) the risk of contagion or a
19 quarantine requirement related to a
20 public health emergency declared
21 under section 319 of the Public
22 Health Service Act (42 U.S.C. 247d).

23 (2) SHARED LIVING ARRANGEMENT.—Notwith-
24 standing any provision in this section, the require-

1 ments under this section shall not apply to a shared
2 living arrangement.

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

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

9 (a) **DEFINITIONS.**—In this section:

10 (1) **COVERED DOMESTIC EMPLOYEE.**—The term
11 “covered domestic employee” has the meaning given
12 the term in section 110(a).

13 (2) **DOMESTIC VIOLENCE.**—The term “domestic
14 violence” has the meaning given the term in section
15 111(a).

16 (3) **PERSONAL EVENT.**—The term “personal
17 event”, with respect to a covered domestic employee,
18 means—

19 (A) an event resulting in the need of the
20 covered domestic employee to serve as a care-
21 giver for an individual related to the covered
22 domestic employee by blood or affinity or whose
23 close association with the covered domestic em-
24 ployee is the equivalent of a family relationship;

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

14 (C) any circumstance that would constitute
15 a basis for permissible use of safe time or fam-
16 ily, medical, or sick leave, as determined based
17 on the policy of the employer of the covered do-
18 mestic employee.

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

24 (A) seek medical attention for the em-
25 ployee or a child, parent, spouse, or domestic

1 partner of the employee, or any other individual
2 related to the employee by blood or affinity
3 whose close association with the employee is the
4 equivalent of a family relationship, in order to
5 recover from physical or psychological injury or
6 disability caused by domestic violence, sexual
7 assault, or stalking;

8 (B) obtain, or assist a child, parent,
9 spouse, domestic partner, or other individual
10 described in subparagraph (A) in obtaining,
11 services from a victim services organization;

12 (C) obtain, or assist a child, parent,
13 spouse, domestic partner, or other individual
14 described in subparagraph (A) in obtaining,
15 psychological or other counseling;

16 (D) seek relocation for the employee or a
17 child, parent, spouse, domestic partner, or other
18 individual described in subparagraph (A); or

19 (E) take legal action, including preparing
20 for or participating in any civil or criminal legal
21 proceeding related to or resulting from domestic
22 violence, sexual assault, or stalking, of the em-
23 ployee or a child, parent, spouse, domestic part-
24 ner, or other individual described in subpara-
25 graph (A).

1 (5) SCHEDULED WORK HOURS.—The term
2 “scheduled work hours” has the meaning given such
3 term in section 112(a), except that references in
4 such section to the term “domestic employee” shall
5 be deemed to be a reference to the term “covered
6 domestic employee”.

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

10 (7) TEMPORARY CHANGE.—The term “tem-
11 porary change”, with respect to a change in the
12 scheduled work hours of a covered domestic em-
13 ployee, means a limited alteration in the hours or
14 dates that, or locations where, the covered domestic
15 employee is scheduled to work, including such an al-
16 teration involving using paid time off, trading work
17 hours with another individual, shifting work hours,
18 or using short-term unpaid leave.

19 (b) REQUEST.—

20 (1) IN GENERAL.—In accordance with this sub-
21 section, for each calendar year, an employer shall,
22 upon request of a covered domestic employee of the
23 employer, grant to the covered domestic employee
24 not less than—

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

5 (B) 1 request for a temporary change, cov-
6 ering not more than 2 work days, to the sched-
7 uled work hours of the employee due to a per-
8 sonal event.

9 (2) NOTIFICATION OF REQUEST.—

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

14 (i) notify the employer or direct su-
15 pervisor of such employee, as soon as the
16 employee becomes aware of the need for
17 the temporary change and inform the em-
18 ployer or supervisor that the change is due
19 to a personal event; and

20 (ii) unless the employee seeks leave
21 without pay, make a proposal regarding
22 how the covered domestic employee will
23 make the temporary change to the sched-
24 uled work hours of the employee (such as
25 by using the any earned paid time off of

1 the covered domestic employee or by trad-
2 ing work hours).

3 (B) FORMAT OF NOTIFICATION.—A notifi-
4 cation under subparagraph (A)(i) need not be
5 in writing.

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

9 **SEC. 114. PRIVACY.**

10 (a) IN GENERAL.—An employer shall not—

11 (1) monitor or record a domestic employee of
12 the employer while such domestic employee is—

13 (A) using restroom or bathing facilities;

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

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

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

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

24 (b) PRIVATE COMMUNICATIONS.—An employer
25 may—

1 (1) restrict, interfere with, or monitor the pri-
2 vate communications of a domestic employee of the
3 employer if the employer has a reasonable belief that
4 such communications significantly interfere with the
5 domestic employee's performance of expected duties;
6 and

7 (2) establish reasonable restrictions on the pri-
8 vate communications of the domestic employee while
9 such employee is performing domestic services for
10 the employer.

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

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

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

20 (a) MEAL BREAKS.—

21 (1) IN GENERAL.—Except as provided in sub-
22 section (c), an employer shall not require a domestic
23 employee to work more than 5 hours for such em-
24 ployer without an uninterrupted meal break of not
25 less than 30 minutes. The number of hours worked

1 by a domestic employee for purposes of this para-
2 graph shall be calculated without regard to any rest
3 break the employee takes and to which the employee
4 has a right under subsection (b).

5 (2) RATE OF PAY.—An employer shall pay a
6 domestic employee for a meal break under para-
7 graph (1) at the regular rate of pay of the domestic
8 employee unless the domestic employee is relieved of
9 all duty for not less than 30 minutes during the
10 meal break and is permitted to leave the work site
11 during such break.

12 (3) PAID MEAL BREAK.—Except as provided in
13 subsection (c), for any paid meal break required
14 under paragraph (1), an employer shall—

15 (A) provide a reasonable opportunity for a
16 domestic employee of the employer to take such
17 break for a period of uninterrupted time that is
18 not less than 30 minutes; and

19 (B) not impede or discourage such a do-
20 mestic employee from taking such meal break.

21 (b) REST BREAKS.—

22 (1) IN GENERAL.—Except as provided in sub-
23 section (c), for every 4 hours of work that a domes-
24 tic employee is scheduled to perform for the em-
25 ployer, the employer shall allow the employee a rest

1 break of not less than 10 uninterrupted minutes in
2 which the domestic employee is relieved of all duties
3 related to providing domestic services to the em-
4 ployer. The employer shall allow such rest break to
5 occur during the first 3 hours of consecutive work
6 performed by the employee for the employer.

7 (2) RATE OF PAY.—An employer shall pay a
8 domestic employee for all rest breaks under para-
9 graph (1) at the regular rate of pay of the employee.
10 The employer shall not impede or discourage a do-
11 mestic employee from taking such breaks.

12 (c) EXCEPTIONS.—

13 (1) IN GENERAL.—Subject to paragraph
14 (2)(B), a domestic employee may not have the right
15 to a meal break under subsection (a), or a rest
16 break under subsection (b), in a case in which the
17 safety of an individual under the care of the domes-
18 tic employee prevents the domestic employee from
19 taking such break.

20 (2) ON-DUTY BREAKS.—

21 (A) DEFINITION OF ON-DUTY.—In this
22 subsection, the term “on-duty break”, with re-
23 spect to a meal break under subsection (a) or
24 a rest break under subsection (b), means a
25 break in which the domestic employee—

1 (i) is not relieved of all duties of the
2 employee for the employer; and

3 (ii) may, to the extent possible given
4 the duties of the domestic employee for the
5 employer, engage in personal activities,
6 such as resting, eating a meal, drinking a
7 beverage, making a personal telephone call,
8 or making other personal choices.

9 (B) AUTHORIZATION.—In a case described
10 in paragraph (1), the domestic employee may
11 still take an on-duty meal or rest break under
12 subsection (a) or (b), respectively, if—

13 (i) the nature of the work prevents a
14 domestic employee from being relieved of
15 all duties required of the domestic em-
16 ployee for the employer; and

17 (ii) the domestic employee and the
18 employer agree to such an on-duty meal or
19 rest break in a written agreement, which
20 shall include a provision allowing the do-
21 mestic employee to, in writing, revoke the
22 agreement at any time.

23 (C) RATE OF PAY.—An employer shall
24 compensate a domestic employee for the time of
25 an on-duty meal or rest break under this para-

1 graph at the regular rate of pay of the em-
2 ployee for the employer.

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

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

9 (a) IN GENERAL.—An employer may not make any
10 deduction from the wage of, or require any reimbursement
11 from, a domestic employee of the employer for—

12 (1) any cash shortage of the employer; or

13 (2) breakage or loss of the employer's equip-
14 ment or other belongings.

15 (b) COMMUNICATIONS.—An employer may not make
16 any deduction from the wage of, or otherwise penalize, a
17 domestic employee of the employer for communicating
18 with a consumer of domestic services directly as opposed
19 to communicating through an application or other mes-
20 saging service provided by an on-demand platform or oth-
21 erwise required by the employer.

22 (c) VIOLATION.—Any deduction or reimbursement in
23 violation of subsection (a) or (b) shall be deemed an un-
24 paid wage for purposes of enforcement under section 118,

1 and the domestic employee shall have the right to recover
2 such wage in accordance with such section.

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

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

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

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

14 (B) engaging in concerted activities for the
15 purpose of collective bargaining or other mutual
16 aid or protection, regardless of whether such ac-
17 tivities are with domestic employees of different
18 employers or domestic employees at different
19 worksites; and

20 (2) discriminating against any domestic em-
21 ployee by using the exercise of a right provided
22 under this subtitle as a negative factor in an employ-
23 ment action, such as an action involving hiring, pro-
24 motion, or changing work hours or number of shifts,
25 or a disciplinary action.

1 (b) RETALIATION PROTECTION.—It shall be unlawful
2 for any employer to discharge, demote, suspend, reduce
3 the work hours of, take any other adverse employment ac-
4 tion against, threaten to take an adverse employment ac-
5 tion against, or in any other manner discriminate against
6 a domestic employee with respect to compensation, terms,
7 conditions, or privileges of employment because the domes-
8 tic employee (or any person acting pursuant to the request
9 of the domestic employee), whether at the initiative of the
10 domestic employee or in the ordinary course of the domes-
11 tic employee’s duties—

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

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

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

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

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

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

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

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

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

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

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

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

1 (1) Contacting or threatening to contact, in-
2 cluding by reporting to, a Federal, State, or local
3 government agency regarding the citizenship or im-
4 migration status of a domestic employee or a family
5 member of a domestic employee.

6 (2) Requesting more or different documents
7 than those required for employment authorization
8 under section 274A(b) of the Immigration and Na-
9 tionality Act (8 U.S.C. 1324a(b)) under the pretense
10 of employment verification or refusing to honor doc-
11 uments presented for purposes of that section that
12 on their face appear to be genuine.

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

18 (d) PRESUMPTION OF RETALIATION.—

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

serting such a claim or right, shall raise a presumption that the discharge or discrimination was in retaliation as prohibited under subsection (a) or (b), as the case may be.

(2) REBUTTAL.—The presumption under paragraph (1) may be rebutted by clear and convincing evidence that such discharge or discrimination was taken for another permissible reason.

SEC. 118. ENFORCEMENT AUTHORITY.

(a) IN GENERAL.—

(1) APPLICATION.—In this subsection—

(A) the term “domestic employee” means a domestic employee described in subsection (e)(1)(A); and

(B) the term “employer” means an employer described in clause (i) or (ii) of subparagraph (A) and subparagraph (B) of subsection (e)(2).

(2) INVESTIGATIVE AUTHORITY.—

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

1 with respect to employers, domestic employees,
2 and other individuals affected.

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

10 (C) REQUIRED SUBMISSIONS GENERALLY
11 LIMITED TO AN ANNUAL BASIS.—The Secretary
12 shall not require under this paragraph an em-
13 ployer to submit to the Secretary any books or
14 records more than once during any 12-month
15 period, unless the Secretary—

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

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

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

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

(3) CIVIL ACTION BY DOMESTIC EMPLOYEES.—

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

(B) LIABILITY.—An employer that violates this subtitle shall be liable to a domestic employee aggrieved by the violation, except as provided in subparagraphs (C) and (D), for—

(i) damages equal to—

(I) the amount of—

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

(bb) in a case in which wages, salary, employment benefits, or other compensation have not been denied or lost, any ac-

- 1 tual monetary losses sustained,
2 or the costs reasonably related to
3 damage to or loss of property, or
4 any other injury to the person,
5 reputation, character, or feelings,
6 sustained by a domestic employee
7 as a direct result of the violation,
8 or any injury to another person
9 sustained as a direct result of the
10 violation, by the employer;
11 (II) the interest on the amount
12 described in subclause (I) calculated
13 at the prevailing rate;
14 (III) an additional amount as liq-
15 uidated damages; and
16 (IV) such other legal relief as
17 may be appropriate;
18 (ii) such equitable relief as may be ap-
19 propriate, including employment, reinstatement,
20 and promotion; and
21 (iii) a reasonable attorney's fee, rea-
22 sonable expert witness fees, and other costs
23 of the action.

1 (C) MEAL AND REST BREAKS.—In the case
 2 of a violation of section 115, an employer in-
 3 volved shall be liable under subparagraph (B)—

4 (i) for the amount of damages de-
 5 scribed in subclauses (I), (II), and (III) of
 6 subparagraph (B)(i); and

7 (ii) under subparagraph (B)(i)(IV),
 8 for each such violation, for an amount
 9 equal to 1 hour of pay at the domestic em-
 10 ployee's regular rate of compensation (but
 11 not more than 2 hours of such pay for
 12 each workday for which the employer is in
 13 violation of such section).

14 (D) WRITTEN AGREEMENTS.—In the case
 15 of a violation of section 110, the employer in-
 16 volved shall be liable, under subparagraph
 17 (B)(i)(I), for an amount equal to \$5,000.

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

21 (4) ACTION BY THE SECRETARY.—

22 (A) ADMINISTRATIVE ACTION.—

23 (i) IN GENERAL.—Subject to clause
 24 (ii), and subparagraphs (C) and (D) of
 25 paragraph (3), the Secretary shall receive,

1 investigate, and attempt to resolve com-
2 plaints of violations of this subtitle in the
3 same manner that the Secretary receives,
4 investigates, and attempts to resolve com-
5 plaints of violations of sections 6, 7, and
6 15(a)(3) of the Fair Labor Standards Act
7 of 1938 (29 U.S.C. 206, 207, and
8 215(a)(3)), including the Secretary's au-
9 thority to supervise payment of wages and
10 compensation under section 16(c) of the
11 Fair Labor Standards Act of 1938 (29
12 U.S.C. 216(c)).

13 (ii) VIOLATIONS GENERALLY.—The
14 Secretary may assess a civil penalty,
15 through an administrative proceeding or by
16 bringing an action in any court of com-
17 petent jurisdiction, against an employer
18 that violates any section of this subtitle—

19 (I) of not more than \$15,000 for
20 any first violation of any such section
21 by such employer; and

22 (II) of not more than \$25,000
23 for any subsequent violation of any
24 such section by such employer.

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

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

22 (D) SUMS RECOVERED.—

23 (i) IN GENERAL.—Any sums recovered
24 by the Secretary under subparagraph (C)
25 shall be held in a special deposit account

1 and shall be paid, on order of the Sec-
2 retary, directly to each domestic employee
3 aggrieved by the violation for which the ac-
4 tion was brought. Any such sums not paid
5 to a domestic employee because of inability
6 to do so within a period of 3 years shall be
7 deposited into the Treasury of the United
8 States as a miscellaneous receipt.

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

14 (5) LIMITATION.—

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

21 (B) WILLFUL VIOLATION.—In the case of
22 an action brought for a willful violation of this
23 subtitle, such action may be brought not later
24 than 3 years after the date of the last event

1 constituting the alleged violation for which such
2 action is brought.

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

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

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

22 (B) to award such other equitable relief as
23 may be appropriate, including employment, re-
24 instatement, and promotion, for a violation of
25 this subtitle.

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

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

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

24 (c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE
25 3, UNITED STATES CODE.—The powers, remedies, and

1 procedures provided in chapter 5 of title 3, United States
 2 Code, to the President, the Merit Systems Protection
 3 Board, or any person, alleging a violation of section
 4 412(a)(1) of that title, shall be the powers, remedies, and
 5 procedures this Act provides to the President, that Board,
 6 or any person, respectively, alleging an unlawful employ-
 7 ment practice in violation of this subtitle against a domes-
 8 tic employee described in subsection (e)(1)(C).

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

20 (e) DEFINITION.—In section 117 and this section:

21 (1) DOMESTIC EMPLOYEE.—Notwithstanding
 22 section 3, the term “domestic employee” means—

23 (A) a domestic employee (as defined in
 24 such section) who is employed by an employer
 25 described in clause (i) or (ii) of subparagraph

1 (A) and subparagraph (B) of paragraph (2) for
2 the performance of domestic services;

3 (B) a domestic employee (as defined in
4 such section) who is employed by an employer
5 described in subparagraphs (A)(iii) and (B) of
6 paragraph (2) for the performance of domestic
7 services;

8 (C) a domestic employee (as defined in
9 such section) who is employed by an employer
10 described in subparagraphs (A)(iv) and (B) of
11 paragraph (2) for the performance of domestic
12 services; and

13 (D) a domestic employee (as defined in
14 such section) who is employed by an employer
15 described in subparagraphs (A)(v) and (B) of
16 paragraph (2) for the performance of domestic
17 service.

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

20 (A)(i) an employer, as defined in section 3
21 of the Fair Labor Standards Act of 1938 (29
22 U.S.C. 203), who is not covered under another
23 clause 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) engaged in commerce or the produc-
 13 tion of goods for commerce or is an enterprise
 14 engaged in commerce or in the production of
 15 goods for commerce.

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

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

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

21 (2) be construed to diminish the obligation of
 22 an employer to comply with any contract, collective
 23 bargaining agreement, or employment benefit pro-
 24 gram or plan that provides greater rights or benefits

1 to domestic employees than the rights established
2 under this Act.

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

4 (1) affect the obligation of an employer to pro-
5 vide a reasonable accommodation in the form of a
6 change to the work schedule of a domestic employee
7 required under any other law, or to otherwise comply
8 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 employees
12 to the requirements under this subtitle; or

13 (3) diminish the rights, privileges, or remedies
14 of any domestic employee under any Federal or
15 State law or under any collective bargaining agree-
16 ment.

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

1 **Subtitle C—Amendment to Title**
 2 **VII of the Civil Rights Act of 1964**

3 **SEC. 131. INCLUDING CERTAIN DOMESTIC EMPLOYEES IN**
 4 **CIVIL RIGHTS PROTECTIONS AGAINST DIS-**
 5 **CRIMINATION IN EMPLOYMENT.**

6 Section 701(b) of the Civil Rights Act of 1964 (42
 7 U.S.C. 2000e(b)) is amended by striking “but” and insert-
 8 ing “and a person who employs a domestic employee (as
 9 defined in section 3(b) of the Domestic Workers Bill of
 10 Rights Act), but”.

11 **TITLE II—STANDARDS BOARD**
 12 **AND BENEFITS**

13 **SEC. 201. DOMESTIC EMPLOYEE STANDARDS BOARD.**

14 (a) ESTABLISHMENT AND PURPOSES.—The Sec-
 15 retary shall establish a board to be known as the “Domes-
 16 tic Employee Standards Board” (referred to in this sec-
 17 tion as the “Board”) to investigate standards in the do-
 18 mestic service industry and issue recommendations to the
 19 Secretary under subsection (e)(1), in order to promote the
 20 health, safety, and well-being of domestic employees.

21 (b) MEMBERSHIP.—

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

1 (A) 5 shall be individuals, appointed by the
 2 Secretary in accordance with paragraph (2),
 3 representing domestic employees;

4 (B) 5 shall be individuals, appointed by the
 5 Secretary in accordance with paragraph (3),
 6 representing employers of domestic employees;
 7 and

8 (C) 1 shall be an individual appointed by
 9 the Secretary who is an expert on the domestic
 10 services sector and who is from academia, the
 11 nonprofit sector, or a Federal, State, or local
 12 governmental agency.

13 (2) DOMESTIC EMPLOYEES SEATS.—

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

19 (B) SELECTION OF ELIGIBLE EMPLOYEE
 20 ORGANIZATIONS.—The Secretary shall enter
 21 into agreements, on a competitive basis, with el-
 22 igible employee organizations for such organiza-
 23 tions to nominate individuals to serve as mem-
 24 bers of the Board representing domestic em-
 25 ployees.

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

7 (D) DEFINITION OF ELIGIBLE EMPLOYEE
8 ORGANIZATION.—In this paragraph, the term
9 “eligible employee organization” means an or-
10 ganization that—

11 (i) is not an employer of a domestic
12 employee or an employment agency;

13 (ii) represents members of the organi-
14 zation, including domestic employees;

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

20 (II) is organized and operated for the
21 betterment of employees, including domes-
22 tic employees;

23 (iv) engages in public advocacy to pro-
24 mote the health and well-being of domestic
25 employees;

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

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

8 (3) EMPLOYER SEATS.—

9 (A) IN GENERAL.—The Secretary shall ap-
 10 point members of the Board representing em-
 11 ployers of domestic employees from among indi-
 12 viduals nominated by eligible hiring organiza-
 13 tions under subparagraph (B).

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

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

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

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

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

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

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

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

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

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

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

13 (cc) contracts with, or hires,
14 1 or more domestic employees to
15 provide additional care for the
16 Medicaid HCBS-eligible elderly
17 individual or individual with a
18 disability;

19 (V) a single employer does not
20 fill more than 1 seat under this para-
21 graph; and

22 (VI) any employer serving on the
23 Board satisfies the requirements
24 under clause (iii).

1 (iii) DISCLOSURE OF LABOR VIOLA-
2 TIONS.—

3 (I) IN GENERAL.—The Secretary
4 shall require that each employer that
5 serves on the Board disclose to the
6 Secretary, with respect to the pre-
7 ceding 5-year period—

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

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

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

1 (aa) The Fair Labor Stand-
2 ards Act of 1938 (29 U.S.C. 201
3 et seq.).

4 (bb) Title VII of the Civil
5 Rights Act of 1964 (42 U.S.C.
6 2000e et seq.).

7 (cc) The Occupational Safe-
8 ty and Health Act of 1970 (29
9 U.S.C. 651 et seq.).

10 (III) RESPONSIBLE SOURCE.—
11 The Secretary shall consider informa-
12 tion disclosed by an employer under
13 this clause to determine whether the
14 employer has a satisfactory record of
15 integrity and business ethics for pur-
16 poses of determining whether the em-
17 ployer shall serve on the Board.

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

22 (i)(I) is an agency employing 2 or
23 more domestic employees; or

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

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

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

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

17 (c) TERMS.—

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

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

24 (A) 6 of the initial members appointed to
25 the Board serve a term of 4 years, including 3

1 of the members described in subsection
 2 (b)(1)(A) and 3 of the members described in
 3 subsection (b)(1)(B); and

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

10 (3) VACANCIES.—

11 (A) IN GENERAL.—A vacancy on the
 12 Board—

13 (i) shall not affect the powers of the
 14 Board; and

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

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

24 (C) PRESUMPTION.—If a member of the
 25 Board is unable to fill the duties of the member

1 in serving on the Board or leaves the domestic
2 service industry for a period that exceeds 90
3 days while serving on the Board, the seat of the
4 member shall be considered a vacancy for pur-
5 poses of this paragraph.

6 (d) MEETINGS.—

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

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

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

16 (e) STANDARDS.—

17 (1) PROCESS FOR RECOMMENDING STAND-
18 ARDS.—

19 (A) IN GENERAL.—Not later than 1 year
20 after the date of enactment of this Act, and
21 every 3 years thereafter, the Board shall issue
22 recommendations to the Secretary for standards
23 that affect the well-being of domestic employ-
24 ees, including recommendations for—

1 (i) workplace standards or regulations
2 for domestic employees, including stand-
3 ards for—

4 (I) occupational safety and health
5 standards under the Occupational
6 Safety and Health Act of 1970, that
7 include the immediate protection of
8 domestic employees from infectious
9 diseases such as COVID–19;

10 (II) standards or regulations, in-
11 cluding those on—

12 (aa) wages;

13 (bb) hours;

14 (cc) benefits; and

15 (dd) other matters that im-
16 pact working conditions;

17 (ii) implementing and enforcing the
18 rights of domestic employees granted
19 under this Act and other Federal laws, in-
20 cluding rights for minimum wage, health,
21 safety, and other workplace standards; and

22 (iii) training and certification of do-
23 mestic employees and methods to ensure
24 that training and certification results in
25 higher wages.

1 (B) VOTING.—

2 (i) IN GENERAL.—Any decision of the
3 Board regarding a recommendation issued
4 under subparagraph (A) shall be decided
5 through a vote of the Board. In any such
6 vote—

7 (I) each voting member of the
8 Board shall have 1 vote;

9 (II) a quorum of the members of
10 the Board shall be required to be in
11 attendance at the vote; and

12 (III) the vote shall be agreed to
13 upon the affirmative vote of not less
14 than a majority of the members of the
15 Board present and voting.

16 (ii) QUORUM.—A quorum required
17 under clause (i)(II) shall not be formed if
18 there are in attendance fewer than—

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

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

23 (2) RULEMAKING.—

24 (A) AUTHORITY.—Subject to requirements
25 under other law, subparagraph (B), and para-

graph (3), the Secretary may issue a rule, in accordance with section 553 of title 5, United States Code, regarding any standard recommended by the Board under paragraph (1).

(B) PROTECTION FROM INFECTIOUS DISEASES.—To carry out paragraph (1)(A)(i)(I), the Assistant Secretary of Labor for Occupational Safety and Health may promulgate rules regarding occupational safety and health standards under authority and procedures of the Occupational Safety and Health Act of 1970 that include the immediate protection of domestic employees from infectious diseases such as COVID–19.

(C) DECISION.—

(i) IN GENERAL.—Not later than 90 days after receiving a recommendation from the Board under paragraph (1), the Secretary shall provide a response on—

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

(II) if the Secretary issues such a rule, whether the Secretary will devi-

1 ate from such recommendation
2 through such rule.

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

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

19 (3) RECOMMENDATIONS TO CONGRESS.—

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

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

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

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

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

24 (f) POWERS.—

25 (1) HEARINGS.—

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

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

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

15 (ii) include interpretation services in
16 the languages most commonly spoken by
17 domestic employees in the geographic re-
18 gion of the hearing;

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

23 (iv) include eligible employee organiza-
24 tions (as defined in subsection (b)(2)(D))
25 in helping to populate the hearings.

1 (2) INFORMATION FROM FEDERAL AGENCIES.—

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

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

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

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

16 (g) BOARD PERSONNEL MATTERS.—

17 (1) COMPENSATION OF MEMBERS.—

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

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

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

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

17 (3) STAFF.—

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

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

graph (A), designate not fewer than 2 full-time staff members to support the operation of the Board through logistical, administrative, and legislative activities.

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

(D) COMPENSATION.—

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

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

(4) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

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

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

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

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

17 (1) IN GENERAL.—Neither the nomination by
18 an eligible employee organization of 1 or more indi-
19 viduals to serve as members of the Board, nor serv-
20 ice on the Board by a representative of an eligible
21 employee organization, shall—

22 (A) make the eligible employee organiza-
23 tion subject to the reporting requirements for
24 labor organizations under title II of the Labor-

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

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

7 (2) LMRDA REQUIREMENTS.—The status of
8 an organization as an eligible employee organization
9 shall not, by itself, make the organization subject to
10 any reporting requirements under the Labor-Man-
11 agement Reporting and Disclosure Act of 1959 (29
12 U.S.C. 401 et seq.).

13 (3) DEFINITION OF ELIGIBLE EMPLOYEE ORGA-
14 NIZATION.—For purposes of this subsection, the
15 term “eligible employee organization” has the mean-
16 ing given such term in subsection (b)(2)(D).

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

23 (j) EFFECT ON EXISTING DOMESTIC EMPLOYEE
24 BENEFITS.—

1 (1) MORE PROTECTIVE.—Nothing in this sec-
2 tion shall be construed to diminish the obligation of
3 an employer to comply with any contract, collective
4 bargaining agreement, or any domestic employee
5 benefit program or plan that provides greater rights
6 or benefits to domestic employees than the rights es-
7 tablished under this Act.

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

12 (k) APPLICABILITY OF LAW.—Section 1013(a)(2) of
13 title 5, United States Code, shall not apply to the Board.

14 **SEC. 202. DOMESTIC EMPLOYEES' BENEFITS STUDY.**

15 (a) STUDY.—

16 (1) IN GENERAL.—The Secretary shall conduct
17 a study, which may be through a contract with an-
18 other entity, for the purpose of providing informa-
19 tion to labor organizations, employers, and the gen-
20 eral public concerning how to increase the number of
21 domestic employees who have access to a secure re-
22 tirement, affordable health care, unemployment in-
23 surance, life insurance, and other common benefits
24 provided to employees of large private and public
25 sector employers.

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

3 (A) a review of—

4 (i) the levels of access to and usage of
5 benefits for domestic employees, including
6 retirement savings, health insurance, and
7 reduced health care costs, paid sick time,
8 unemployment insurance, disability and life
9 insurance, and paid family and medical
10 leave;

11 (ii) barriers for domestic employees
12 to—

13 (I) participate in the old-age,
14 survivors, and disability insurance
15 program established under title II of
16 the Social Security Act (42 U.S.C.
17 401 et seq.);

18 (II) obtain disability insurance;

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

1 rity Act (42 U.S.C. 1395 et seq.), the
2 Medicaid program established under
3 title XIX of that Act (42 U.S.C. 1396
4 et seq.), unemployment insurance, any
5 benefits provided under the Patient
6 Protection and Affordable Care Act
7 (Public Law 111–148), including the
8 amendments made by that Act, paid
9 family and medical leave, paid sick
10 time, and any additional benefits iden-
11 tified by the Secretary, including such
12 benefits that are portable from job to
13 job;

14 (IV) otherwise access affordable
15 health insurance; and

16 (V) access any other benefits de-
17 scribed in clause (i);

18 (iii) the portability of work-related
19 benefits for domestic employees and the
20 laws, including regulations, preventing in-
21 novation, and improvement in the port-
22 ability of such benefits; and

23 (iv) whether domestic employees bene-
24 fitted from the emergency family and med-
25 ical leave and emergency paid sick leave

1 provisions under the Families First
2 Coronavirus Response Act (Public Law
3 116–127), including the amendments made
4 by that Act, and lessons learned from the
5 implementation of such provisions;

6 (B) an identification and analysis of State
7 and nongovernmental innovations that can serve
8 as potential replicable models on the national
9 level to increase access to work-related benefits
10 for domestic employees, through portability,
11 outreach, enrollment, and other strategies;

12 (C) a comparison of the ability of domestic
13 employees to access, be eligible for, and partici-
14 pate in public and private sector work-related
15 benefits compared to such ability of other em-
16 ployees;

17 (D) a study on the coverage of domestic
18 employees under State employees' compensation
19 laws, including in all 50 States, the District of
20 Columbia, and territories of the United States;
21 and

22 (E) recommendations for innovations and
23 reforms that would—

24 (i) ensure domestic employees could—

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

21 (II) have contributions for the
22 benefits described in subclause (I)
23 from multiple employers as applicable;
24 (ii) provide adequate levels of such
25 benefits for domestic employees; and

1 (iii) enable a domestic employee to
 2 have access to such benefits through mul-
 3 tiple jobs the employee may have.

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

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

12 (2) Considerations for laws, including regula-
 13 tions, that should be reviewed to address barriers
 14 impacting domestic employees.

15 (3) Other information and recommendations
 16 with respect to benefits for domestic employees as
 17 the Secretary considers appropriate.

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

21 **SEC. 301. DEFINITIONS.**

22 In this title:

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

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

5 (i) coverage of live-in domestic em-
6 ployees, as defined in section 8(a) of the
7 Fair Labor Standards Act of 1938 (29
8 U.S.C. 208(a)), under the overtime re-
9 quirements of section 7 of such Act (29
10 U.S.C. 207);

11 (ii) the right of live-in domestic em-
12 ployees, as so defined, to certain notices
13 and communications under section 8 of
14 such Act (29 U.S.C. 208);

15 (iii) any minimum wage for domestic
16 employees that may be established pursu-
17 ant to a recommendation to Congress
18 under section 201(e)(3);

19 (iv) the applicability of title VII of the
20 Civil Rights Act of 1964 (42 U.S.C. 2000e
21 et seq.);

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

1 (I) the right of certain domestic
2 employees to a written agreement
3 under section 110;

4 (II) the right of certain domestic
5 employees to earned paid sick time
6 provided under section 111;

7 (III) the fair scheduling practices
8 required under section 112 with re-
9 spect to certain domestic employees;

10 (IV) the right of certain domestic
11 employees to request and receive tem-
12 porary changes to scheduled work
13 hours for certain personal events
14 under section 113;

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

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

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

1 (VIII) the protection against re-
2 taliation under section 117(b); and

3 (vi) the availability of the national do-
4 mestic employee hotline supported under
5 section 304, including the phone number
6 and other contact methods for the hotline;
7 and

8 (B) includes any rules promulgated by the
9 Secretary under this Act, or the amendments
10 made by this Act, and any standard rec-
11 ommended by the Board that is promulgated as
12 such a rule or otherwise implemented by the
13 Secretary.

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

16 (A) an organization described in paragraph
17 (3), (5), or (6) of section 501(c) of the Internal
18 Revenue Code of 1986, and exempt from tax-
19 ation under section 501(a) of such Code, that—

20 (i) has a board of directors, at least
21 one-half of the members of which is com-
22 prised of—

23 (I) domestic employees; or

24 (II) representatives of organiza-
25 tions of such employees, which organi-

1 zation is independent from all busi-
 2 nesses, organizations, corporations, or
 3 individuals that would pursue any fi-
 4 nancial interest in conflict with that
 5 of the employees;

6 (ii) is independent, as described in
 7 clause (i)(II);

8 (iii) has—

9 (I) expertise in domestic service
 10 and the workforce of domestic employ-
 11 ees; and

12 (II) a track record of working
 13 with domestic employees; and

14 (iv) operates in a jurisdiction with a
 15 significant population of domestic employ-
 16 ees; or

17 (B) a partnership of organizations de-
 18 scribed in subparagraph (A).

19 (3) NOTICE OF DOMESTIC EMPLOYEE
 20 RIGHTS.—The term “notice of domestic employee
 21 rights” means the document created and made avail-
 22 able by the Secretary under section 302(a).

23 **SEC. 302. NOTICE OF DOMESTIC EMPLOYEE RIGHTS.**

24 (a) PROVIDING NOTICE OF RIGHTS TO DOMESTIC
 25 EMPLOYEES.—

1 (1) NOTICE OF RIGHTS.—The Secretary shall
2 create, and make available, a notice of domestic em-
3 ployee rights document that describes the rights and
4 protections provided by the domestic workers bill of
5 rights and any other protections and other rights af-
6 forded under Federal law to domestic employees.

7 (2) AVAILABILITY AND ACCESSIBILITY OF NO-
8 TICE.—The notice of domestic employee rights shall
9 be—

10 (A) a written document made available on-
11 line, including through the website described in
12 subsection (b); and

13 (B) available in English, Spanish, and
14 other languages understood by domestic em-
15 ployees, which shall be determined by the Sec-
16 retary and include, at a minimum, the trans-
17 lation languages for the basic information fact
18 sheet (or any successor document) produced by
19 the Department of Labor.

20 (b) ESTABLISHING A DOMESTIC EMPLOYEES RIGHTS
21 WEBSITE.—Not later than 180 days after the date of en-
22 actment of this Act, the Secretary shall establish a single
23 web page on the website of the Department of Labor that
24 summarizes in plain language the rights of domestic em-
25 ployees under the domestic workers bill of rights.

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

3 (a) ESTABLISHMENT.—There is established an Inter-
4 agency Task Force on Domestic Workers Bill of Rights
5 Enforcement (referred to in this section as the “Task
6 Force”).

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

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

14 (2) representatives of the Department of Health
15 and Human Services selected by the Secretary of
16 Health and Human Services, including representa-
17 tives of the Centers for Medicare & Medicaid Serv-
18 ices and representatives of the Administration for
19 Community Living; and

20 (3) representatives of the Equal Employment
21 Opportunity Commission, selected by the Commis-
22 sion.

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

26 (d) DUTIES.—

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

5 (A) examine the issues and challenges fac-
6 ing domestic employees who come forward to
7 enforce their workplace rights;

8 (B) identify challenges agencies enforcing
9 these workplace rights have in reaching domes-
10 tic employees and enforcing such rights, includ-
11 ing by conducting hearings in each of the re-
12 gions served by the regional offices of the Wage
13 and Hour Division of the Department of Labor
14 to hear directly from domestic employees, advo-
15 cates, and officials or employees of such agen-
16 cies in the regional and local areas; and

17 (C) develop a set of recommendations, in-
18 cluding sample legislative language, on the best
19 enforcement strategies to protect the workplace
20 rights of domestic employees, including—

21 (i) how to reach, and enforce the
22 rights of, domestic employees;

23 (ii) ways for Federal agencies to work
24 together or conduct joint enforcement of
25 workplace rights for domestic employees,

1 as domestic employees who experience one
2 type of violation are likely also experi-
3 encing other types of violations; and

4 (iii) ways the Task Force can work
5 with State and local enforcement agencies
6 on the enforcement of workplace rights for
7 domestic employees.

8 (2) REPORT.—Not later than 1 year after the
9 date of the first meeting of the Task Force, the
10 Task Force shall prepare and submit a report to
11 Congress regarding the recommendations described
12 in paragraph (1)(C).

13 (3) JOINT ENFORCEMENT.—

14 (A) IN GENERAL.—For a period of not
15 more than 3 years after the date of enactment
16 of this Act, the Task Force shall carry out such
17 actions as the Task Force determines necessary
18 to support joint enforcement by Federal agen-
19 cies of violations of the rights of domestic em-
20 ployees.

21 (B) REPORT.—At the end of the 3-year pe-
22 riod described in subparagraph (A), the Task
23 Force shall submit a report to Congress regard-
24 ing the efficacy of such joint enforcement.

1 (4) AUDIT OF FEDERAL ENFORCEMENT STRAT-
 2 EGIES.—Not later than 3 years after the date of en-
 3 actment of this Act, and every 3 years thereafter,
 4 the Task Force shall—

5 (A) conduct an audit of the Federal en-
 6 forcement strategies relating to the rights of
 7 domestic employees; and

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

10 (5) CONSULTATION REGARDING COMMUNITY-
 11 BASED ENFORCEMENT DEMONSTRATION
 12 PROJECTS.—Upon the request of the Secretary, the
 13 Task Force shall review, and provide recommenda-
 14 tions regarding, the applications for community-
 15 based enforcement grants under section 305.

16 **SEC. 304. NATIONAL DOMESTIC EMPLOYEE HOTLINE.**

17 The Secretary shall award a grant, on a competitive
 18 basis, to an eligible entity for a national hotline that do-
 19 mestic employees may call to seek assistance on any do-
 20 mestic employee-related issue.

21 **SEC. 305. NATIONAL GRANT FOR COMMUNITY-BASED EDU-**
 22 **CATION, OUTREACH, AND ENFORCEMENT OF**
 23 **DOMESTIC EMPLOYEE RIGHTS.**

24 (a) PROGRAM AUTHORIZED.—

1 (1) IN GENERAL.—From amounts made avail-
2 able to carry out this section, the Secretary, after
3 consultation with the Interagency Task Force on
4 Domestic Workers Bill of Rights Enforcement, shall
5 award grants to eligible entities to enable the eligible
6 entities to expand and improve cooperative efforts
7 between Federal agencies and members of the com-
8 munity, in order to—

9 (A) enhance the enforcement of the domes-
10 tic workers bill of rights and other workplace
11 rights provided to domestic employees under
12 relevant Federal, State, and local laws;

13 (B) educate domestic employees of their
14 rights under the domestic workers bill of rights
15 and other workplace rights under Federal,
16 State, and local laws;

17 (C) educate employers regarding their re-
18 sponsibilities and obligations under the domes-
19 tic workers bill of rights and other relevant
20 Federal, State, and local laws; and

21 (D) assist domestic employees in pursuing
22 their workplace rights under the domestic work-
23 ers bill of rights and other relevant Federal,
24 State, or local laws.

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

4 (b) APPLICATIONS.—

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

9 (2) PARTNERSHIP APPLICATIONS.—In the case
10 of an eligible entity that is a partnership, the eligible
11 entity may designate, in the application, a single or-
12 ganization in the partnership as the lead entity for
13 purposes of receiving and disbursing funds.

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

16 (A) a description of a plan for the dem-
17 onstration project that the eligible entity pro-
18 poses to carry out with a grant under this sec-
19 tion, including a long-term strategy and de-
20 tailed implementation plan that reflects ex-
21 pected participation of, and partnership with,
22 community partners; and

23 (B) information on the training and edu-
24 cation that will be provided to domestic employ-

1 ees and employers of such employees under
2 such program.

3 (c) SELECTION.—

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

7 (2) DISTRIBUTION THROUGH REGIONS.—In
8 awarding grants under this section, the Secretary
9 shall ensure that a grant is awarded to an eligible
10 entity in each region represented by a regional office
11 of the Wage and Hour Division of the Department
12 of Labor, to the extent practicable based on the
13 availability of appropriations and the applications
14 submitted.

15 (d) USE OF FUNDS.—An eligible entity receiving a
16 grant under this section shall use the grant funds to de-
17 velop a community partnership and establish and support,
18 through the partnership, 1 or more of the following activi-
19 ties:

20 (1) Disseminating information and conducting
21 outreach and training to educate domestic employees
22 about the rights and protections provided under the
23 domestic workers bill of rights.

1 (2) Conducting educational training for employ-
2 ers about their obligations under the domestic work-
3 ers bill of rights.

4 (3) Conducting orientations and training jointly
5 with relevant Federal agencies, including the Inter-
6 agency Task Force established under section 303,
7 regarding the rights and protections provided under
8 the domestic workers bill of rights.

9 (4) Providing mediation services between pri-
10 vate-pay employers and employees.

11 (5) Providing assistance to domestic employees
12 in filing claims relating to violations of the domestic
13 workers bill of rights, either administratively or in
14 court.

15 (6) Monitoring compliance by employers with
16 the domestic workers bill of rights.

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

20 (8) Evaluating the effectiveness of programs de-
21 signed to prevent violations of the domestic workers
22 bill of rights and enforce the domestic workers bill
23 of rights.

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

1 (10) Producing and disseminating outreach and
2 training materials.

3 (11) Any other activity as the Secretary may
4 reasonably prescribe through notice and comment
5 rulemaking.

6 (e) MEMORANDA OF UNDERSTANDING.—

7 (1) IN GENERAL.—Not later than 60 days after
8 receiving a grant under this section, an eligible enti-
9 ty shall negotiate and finalize with the Secretary a
10 memorandum of understanding that sets forth spe-
11 cific goals, objectives, strategies, and activities that
12 will be carried out under the grant by the eligible
13 entity through a community partnership.

14 (2) SIGNATURES.—A representative of the eligi-
15 ble entity receiving a grant (or, in the case of an eli-
16 gible entity that is a partnership, a representative of
17 each organization in the partnership) and the Sec-
18 retary shall sign the memorandum of understanding
19 under this subsection.

20 (3) REVISIONS.—A memorandum of under-
21 standing under this subsection shall be reviewed and
22 revised by the eligible entity and the Secretary each
23 year for the duration of the grant.

1 (f) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated such sums as may be
3 necessary to carry out this section.

4 **SEC. 306. ENCOURAGING THE USE OF FISCAL INTER-**
5 **MEDIARIES.**

6 Not later than 1 year after the date of enactment
7 of this Act, the Secretary shall issue a rule to facilitate
8 the use of fiscal intermediaries that enable payments be-
9 tween domestic employees and employers of such employ-
10 ees, to improve transparency, enforcement, and working
11 conditions of domestic employees.

12 **SEC. 307. APPLICATION TO DOMESTIC EMPLOYEES WHO**
13 **PROVIDE MEDICAID-FUNDED SERVICES.**

14 (a) REGULATIONS TO APPLY DOMESTIC EMPLOYEE
15 PROTECTIONS AND RIGHTS.—Not later than 1 year after
16 the date of enactment of this Act, the Secretary and the
17 Secretary of Health and Human Services jointly shall de-
18 velop and issue regulations regarding the application of
19 the protections and rights afforded to domestic employees
20 including personal care aides or assistants who provide
21 services described in subsection (b) that are funded under
22 the State plan under title XIX of the Social Security Act
23 (42 U.S.C. 1396 et seq.), or under a waiver of such plan,
24 including through a contract or other arrangement with
25 a managed care entity (as defined in section

1 1932(a)(1)(B) of the Social Security Act (42 U.S.C.
2 1396u-2(a)(1)(B))), to individuals enrolled in such plan
3 or waiver. The regulations issued under this subsection
4 shall recognize the role of self-directed care for individuals
5 with disabilities and shall—

6 (1) protect, stabilize, and expand the domestic
7 employee and personal care aide or assistant work-
8 force;

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

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

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

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

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

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

14 (2) Personal care services authorized under
15 paragraph (24) of such section.

16 (3) PACE services authorized under paragraph
17 (26) of such section.

18 (4) Home and community-based services au-
19 thorized under subsections (b), (c), (i), (j), and (k)
20 of section 1915 of such Act (42 U.S.C. 1396n), such
21 services authorized under a waiver under section
22 1115 of such Act (42 U.S.C. 1315), and such serv-
23 ices provided through coverage authorized under sec-
24 tion 1937 of such Act (42 U.S.C. 1396u–7).

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

5 (6) Rehabilitative services, including those re-
6 lated to behavioral health described in section
7 1905(a)(13) of such Act (42 U.S.C. 1396d(a)(13)).

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

10 **SEC. 308. DELAYED ENFORCEMENT FOR GOVERNMENT-**
11 **FUNDED PROGRAMS.**

12 (a) IN GENERAL.—Notwithstanding any other provi-
13 sion of this Act, the Secretary shall delay all enforcement
14 relating to the provisions of this Act, or the amendments
15 made by this Act, with respect to a Federal, State, or local
16 governmental agency, or an entity operating under a
17 grant, contract, or other agreement for such agency, until
18 the day that is 2 years after the date of enactment of this
19 Act.

20 (b) EXTENSION OPTION.—The Secretary may extend
21 the 2-year delay period in enforcement under subsection
22 (a) with respect to a Federal, State, or local governmental
23 agency, or an entity operating under a grant, contract,
24 or other agreement for such agency, for an additional 1-
25 year period, if, through a process established by the Sec-

1 retary, the Secretary determines the delay appropriate. In
 2 applying the preceding sentence, a delay in issuing the
 3 regulations required under section 307 shall be deemed a
 4 reason to extend the delayed enforcement period.

5 (c) DELAY OF ENFORCEMENT THROUGH CIVIL AC-
 6 TIONS BY DOMESTIC EMPLOYEES PROVIDING SERVICES
 7 FUNDED UNDER MEDICAID.—No action may be brought
 8 under section 118(a)(3) against an employer of a domestic
 9 employee that receives payment under a State Medicaid
 10 plan or waiver under title XIX of the Social Security Act
 11 for providing any services described in section 307(b),
 12 until on or after the date that is 2 years after the date
 13 of enactment of this Act.

14 **TITLE IV—FUNDING**

15 **SEC. 401. TEMPORARY INCREASE IN THE FEDERAL MED-**
 16 **ICAL ASSISTANCE PERCENTAGE FOR MED-**
 17 **ICAID-FUNDED SERVICES PROVIDED BY DO-**
 18 **MESTIC EMPLOYEES.**

19 Section 1905 of the Social Security Act (42 U.S.C.
 20 1396d) is amended—

21 (1) in subsection (b), by striking “and (ii)” and
 22 inserting “(ii), and (kk)”; and

23 (2) by adding at the end the following new sub-
 24 section:

1 “(kk) INCREASED FMAP FOR MEDICAL ASSISTANCE
2 FOR CERTAIN SERVICES PROVIDED BY DOMESTIC EM-
3 PLOYEES.—

4 “(1) IN GENERAL.—Notwithstanding subsection
5 (b) and subsection (y), with respect to amounts ex-
6 pended by a State for medical assistance described
7 in paragraph (3) that is provided by a domestic em-
8 ployee (as such term is defined in section 3 of the
9 Domestic Workers Bill of Rights Act) during a fiscal
10 quarter that occurs in the 20-quarter period begin-
11 ning with the first fiscal quarter that begins on or
12 after the date of enactment of this subsection, the
13 Federal medical assistance percentage otherwise de-
14 termined under subsection (b) and subsection (y) for
15 the State and quarter shall, after the application of
16 any other increase to the Federal medical assistance
17 percentage for the State and quarter applicable
18 under any other provision of law, be increased (not
19 to exceed 100 percent) by the applicable number of
20 percentage points determined for the State under
21 paragraph (2).

22 “(2) APPLICABLE NUMBER OF PERCENTAGE
23 POINTS.—

24 “(A) IN GENERAL.—For purposes of para-
25 graph (1), the Secretary shall determine the ap-

1 applicable number of percentage points for each
2 State.

3 “(B) CONSIDERATIONS.—In determining
4 the applicable number of percentage points for
5 a State under this subsection, the Secretary
6 shall—

7 “(i) estimate the increase in costs to
8 the State of furnishing medical assistance
9 described in paragraph (3) that is provided
10 by a domestic employee (as such term is
11 defined in section 3 of the Domestic Work-
12 ers Bill of Rights Act) that is attributable
13 to the requirements of such Act and the
14 amendments made by such Act with re-
15 spect to labor protections and benefits for
16 domestic employees; and

17 “(ii) determine the appropriate num-
18 ber of percentage points by which to in-
19 crease the Federal medical assistance per-
20 centage otherwise determined for the State
21 under subsection (b) or (y) to ensure that
22 such increase in costs does not result in
23 the State reducing the level of medical as-
24 sistance described in paragraph (3) that is

1 provided by domestic employees under the
2 State plan (or a waiver of such plan).

3 “(3) MEDICAL ASSISTANCE DESCRIBED.—The
4 medical assistance described in this paragraph is the
5 following:

6 “(A) Home health care services authorized
7 under paragraph (7) of subsection (a).

8 “(B) Personal care services authorized
9 under paragraph (24) of such subsection.

10 “(C) PACE services authorized under
11 paragraph (26) of such subsection.

12 “(D) Home and community-based services
13 authorized under subsections (b), (c), (i), (j),
14 and (k) of section 1915, such services author-
15 ized under a waiver under section 1115, and
16 such services provided through coverage author-
17 ized under section 1937.

18 “(E) Case management services authorized
19 under subsection (a)(19) and section 1915(g).

20 “(F) Rehabilitative services, including
21 those related to behavioral health, described in
22 subsection (a)(13).

23 “(G) Such other services specified by the
24 Secretary.

1 “(4) MAINTENANCE OF EFFORT REQUIRE-
2 MENT.—A State may not receive the increase de-
3 scribed in paragraph (1) with respect to a quarter
4 if the eligibility standards, methodologies, or proce-
5 dures applicable to the provision of medical assist-
6 ance described in paragraph (3) under the State
7 plan (or waiver of such plan) are more restrictive
8 during such quarter than the eligibility standards,
9 methodologies, or procedures, respectively, applicable
10 to the provision of such assistance under such plan
11 (or waiver) as in effect on the date of enactment of
12 this subsection.

13 “(5) DISREGARD FROM TERRITORIAL PAYMENT
14 CAPS.—Any payment made to Puerto Rico, the Vir-
15 gin Islands, Guam, the Northern Mariana Islands,
16 or American Samoa that is subject to the Federal
17 medical assistance percentage increase specified
18 under paragraph (1) shall not be taken into account
19 for purposes of applying payment limits under sub-
20 sections (f) and (g) of section 1108.”.

21 **SEC. 402. 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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