

**Task Force on Domestic Workers**  
Labor and Public Employees Committee

**Defining *Domestic Worker***

Several states in the nation have taken steps to enact their own Domestic Workers' Bill of Rights. Their definitions of *domestic worker* are listed below.

**California**

“(b) (1) “Domestic work employee” means an individual who performs domestic work and includes live-in domestic work employees and personal attendants.

(2) “Domestic work employee” does not include any of the following:

(A) Any person who performs services through the In-Home Supportive Services program under Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of, or Sections 14132.95, 14132.952, and 14132.956 of, the Welfare and Institutions Code.

(B) Any person who is the parent, grandparent, spouse, sibling, child, or legally adopted child of the domestic work employer.

(C) Any person under 18 years of age who is employed as a babysitter for a minor child of the domestic work employer in the employer's home.

(D) Any person employed as a casual babysitter for a minor child in the domestic employer's home. A casual babysitter is a person whose employment is irregular or intermittent and is not performed by an individual whose vocation is babysitting. If a person who performs babysitting services on an irregular and intermittent basis does a significant amount of work other than supervising, feeding, and dressing a child, this exemption shall not apply and the person shall be considered a domestic work employee. A person who is a casual babysitter who is over 18 years of age retains the right to payment of minimum wage for all hours worked, pursuant to Wage Order No. 15-2001 of the Industrial Welfare Commission.

(E) Any person employed by a licensed health facility, as defined in Section 1250 of the Health and Safety Code.

(F) Any person who is employed pursuant to a voucher issued through a regional center or who is employed by, or contracts with, an organization vendored or contracted through a regional center or the State Department of Developmental Services pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) or the California Early Intervention Services Act (Title 14 (commencing with Section 95000) of the Government Code) to provide services and support for persons with developmental disabilities, as defined in Section 4512 of the Welfare and Institutions Code, when any funding for those services is provided through the State Department of Developmental Services.

(G) Any person who provides child care and who, pursuant to subdivision (d) or (f) of Section 1596.792 of the Health and Safety Code, is exempt from the licensing requirements of Chapters 3.4 (commencing with Section 1596.70), 3.5 (commencing with Section 1596.90), and 3.6 (commencing with Section 1597.30) of Division 2 of the Health and Safety Code, if the parent or guardian of the child to whom child care is provided receives child care and development services pursuant to any program authorized under the Child Care and Development Services Act (Chapter 2 (commencing with Section 8200) of Part 6 of Division 1 of Title 1 of the Education Code) or the California Work Opportunity and Responsibility to Kids Act (Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code).”

## **Hawaii**

“In Hawaii, Domestic services are defined as services of a household nature performed by an employee in or about a private home (permanent or temporary) of the person by whom he or she is employed. The term includes, but is not limited to, services performed by employees such as cooks, waiters, butlers, valets, maids, housekeepers, governesses, janitors, laundresses, caretakers, handymen, gardeners, and chauffeurs of automobiles for family use. The term also includes babysitters whose employment is not on a casual basis.

Casual basis for domestic service workers means working intermittently or irregularly and less than 20 hours a week.

Employees of private companies providing domestic services have always been protected by minimum wage and overtime laws.”

## **Massachusetts**

“*Domestic worker*, any individual or employee who is paid by a household, family or any person to perform work of a domestic nature, including, but not limited to, housekeeping, house cleaning, home management, nanny services including childcare and child monitoring, caretaking of individuals in the home including sick, convalescing and elderly individuals, laundering, cooking, home companion services and other household services for members of households or their guests in or about private homes. The term “domestic worker” does not include an individual whose services for the employer primarily consist of childcare on an intermittent and irregular basis, do not exceed 5 hours a week in the aggregate for one or more family or household members and whose vocation is not childcare.”

## **New York**

“Under section 2(16) of the New York Labor Law, a domestic worker is defined as “a person employed in a home or residence for the purpose of: caring for a child, serving as a companion to a sick, convalescing or elderly person, housekeeping, or for any other domestic service purpose.” A domestic worker does *not* include “any individual (a) working on a “casual basis,” (b) who is engaged in companionship services as defined in section 213(a)(15) of the FLSA, and who is employed by an employer or agency *other than* the family or household using the individual’s services; or (c) who is a relative through blood, marriage or adoption of (i) the employer or (ii) the person for whom the worker is delivering services under a program funded or administered by federal, state or local government.”