

119TH CONGRESS
1ST SESSION

S. _____

To amend the Fair Labor Standards Act of 1938 to ensure that certain caregiving employees are no longer exempted from overtime and minimum wage protections.

IN THE SENATE OF THE UNITED STATES

Mrs. MURRAY introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Fair Labor Standards Act of 1938 to ensure that certain caregiving employees are no longer exempted from overtime and minimum wage protections.

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.**

4 This Act may be cited as the “Fair Wages for Home
5 Care Workers Act”.

1 **SEC. 2. MINIMUM WAGE AND OVERTIME FOR CERTAIN**
2 **CAREGIVERS.**

3 (a) EXEMPTION AMENDMENTS.—Section 13 of the
4 Fair Labor Standards Act of 1938 (29 U.S.C. 213) is
5 amended—

6 (1) in subsection (a)(15), by striking “casual
7 basis in domestic service employment” and all that
8 follows through “of the Secretary)” and inserting
9 the following: “casual basis to provide babysitting
10 services”; and

11 (2) by repealing subsection (b)(21).

12 (b) DEFINITIONS.—Section 3 of the Fair Labor
13 Standards Act of 1938 (29 U.S.C. 203) is amended by
14 adding at the end the following:

15 “(z) ‘Babysitting services’—

16 “(1) means the custodial care and protection of
17 infants or children in or about a private home in
18 which the infants or children reside; and

19 “(2) does not include services relating to the
20 care and protection of infants or children which are
21 performed by trained personnel, such as registered,
22 vocational, or practical nurses, and home care work-
23 ers, including home health aides and personal care
24 aides.

25 “(aa) ‘Casual basis’, with respect to the provision of
26 babysitting services—

1 “(1) means employment which is irregular or
2 intermittent (as defined and delimited by the Sec-
3 retary), and which is not performed by an individual
4 whose vocation is babysitting; and

5 “(2) may include the performance of household
6 work not related to the provision of babysitting serv-
7 ices, so long as the time performing such work does
8 not exceed 20 percent of the total hours worked
9 while providing babysitting services.”.