

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 822

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 19, 2022

The Assembly Labor Committee reports favorably Assembly Bill No. 822 with committee amendments.

As amended, this bill creates various rights and employment protections for domestic workers who, under the bill, are defined as hourly and salaried employees, independent contractors, full-time and part-time individuals and temporary individuals, and any worker who:

(1) works for one or more employer; and

(2) is an individual who works in the residence of the employer for the purposes of caring for a child, serving as a companion or caretaker for a sick, convalescing, or elderly person, or person with a disability; housekeeping or house cleaning; cooking; providing food or butler service; parking cars; cleaning laundry; gardening; personal organizing; or for any other domestic service purpose.

The bill excludes from the definition of domestic worker any individual taking care of or providing services to that individual's family member; an individual primarily engaged in house sitting, pet sitting, or dog walking; an individual working at a business operating out of a residence, such as a home daycare business; an individual whose primary work involves house repair or maintenance, such as a roofer, plumber, or other similar contractor; a home health care aide while the aide is paid through public funds; an individual established as a kinship legal guardian of a child who lives in the residence, or an individual who participates in the Kinship Navigator Program, as authorized by the Department of Children and Families, as a caregiver of a child who lives in the residence and receives services provided by a kinship navigator service provider; and an individual less than 18 years of age.

The bill removes the exclusion of the domestic worker from the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.) and the "New Jersey State Wage and Hour Law," P.L.1966, c.113 (C.34:11-56a et seq.).

The bill also provides privacy rights to domestic workers, and it requires the employer to enter into a written contract with the domestic worker.

The bill establishes penalties for violations of its provisions, including penalties against retaliation by the employer.

The bill creates the Domestic Workers Standards and Implementation Board to monitor and review the implementation of the bill and make policy recommendations to the State regarding additional measures to be taken.

This bill was pre-filed for introduction in the 2022-2023 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- (1) Remove the terms “hiring entity” and “hiring entities” and replace with “employer” and “employers”;
- (2) Require the Commissioner of Labor and Workforce Development to provide for the adoption of all applicable occupational standards, amendments, or changes adopted or recognized by the Secretary of Labor under the authority of the “Occupational Safety and Health Act of 1970,” which will be applicable to domestic workers employed by individuals in the residences of the individuals;
- (3) Update effective dates of certain provisions in the bill; and
- (4) Make minor technical amendments.