

ASSEMBLY STATE AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 822

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 17, 2022

The Assembly State and Local Government Committee reports favorably and with committee amendments Assembly Bill No. 822 (1R).

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.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- (1) replace certain references to employer with hiring entity;
- (2) add a definition for hiring entity to section 2 of the bill;
- (3) remove an exclusion from the definition of domestic worker to ensure that all home care workers are covered, regardless of whether or not they serve consumers who Medicaid or Medicare recipients;
- (4) make changes to reflect a statutory update (P.L.2022, c.71, s.4) in R.S.43:21-19, which exempted work performed on an election day or during the early voting period;
- (5) make technical amendments; and
- (6) remove language that amends the workers' compensation law to apply the "ABC" test in the unemployment compensation law for determining who is an independent contractor to workers' compensation.