

STATEMENT TO

[Second Reprint]

ASSEMBLY, No. 822

with Assembly Floor Amendments
(Proposed by Assemblywoman TIMBERLAKE)

ADOPTED: JANUARY 8, 2024

These floor amendments:

(1) specify that if a domestic worker declines to be rehired to a position or resigns from a position, the rebuttable presumption of retaliation if the hiring entity or any other person takes an adverse action against a domestic worker within 90 calendar days of the worker's exercise of rights under the bill shall not apply;

(2) remove language that amended the definition of casual employment in the workers' compensation law;

(3) add a definition of significant misconduct to the section requiring notice of termination of employment, except in cases of significant misconduct;

(4) provide that the employer notification requirements for termination do not apply if:

(a) a domestic worker completes placement in a particular position and is not immediately placed or scheduled for another position by an employer if the employer is a temporary help service firm, employment agency, or other staffing or placement agency, but the domestic worker remains on the employer's payroll for future placement opportunities; or

(b) a domestic worker is employed by an employer that is an individual, whether or not the employer is the person receiving care from the domestic worker, and the domestic worker completes or fulfills all duties of the position, and there is no longer a practicable need for the position, including but not limited to, if the domestic worker's employer is an individual who has employed the domestic worker to care for a person who is terminally ill person, and the terminally ill person passes away;

(5) provide standards for "on-duty" breaks;

(6) eliminate references to independent contractors and any other category that is not an employee;

(7) remove the establishment of the Domestic Workers Standards and Implementation Board;

(8) change certain definitions in the bill;

(9) remove the exception for minors under the definition of domestic worker in the bill; and

(10) make technical corrections.