

HOUSE No. 4053

The Commonwealth of Massachusetts

PRESENTED BY:

Mark J. Cusack

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to au pairs in the Commonwealth of Massachusetts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Mark J. Cusack</i>	<i>5th Norfolk</i>	<i>2/11/2016</i>

HOUSE No. 4053

By Mr. Cusack of Braintree, a petition (subject to Joint Rule 12) of Mark J. Cusack for legislation to further regulate domestic workers. Labor and Workforce Development.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to au pairs in the Commonwealth of Massachusetts.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 2 of Chapter 151 of the Massachusetts General Laws, as recently
2 amended by Chapter 144 of the Acts of 2014, is hereby further amended in the definition of
3 “occupation” by inserting at the end thereof the following:

4 Occupation shall also not include work being performed by an individual participating in
5 an au pair program subject to regulations under the United States Department of State’s
6 Exchange Visitor Program, 22 C.F.R. 62.31.

7 SECTION 2. Subsection (a) of Section 190 of Chapter 149 of the Massachusetts General
8 Laws, as most recently amended by Section 112 of Chapter 46 of the Acts of 2015, is hereby
9 further amended by striking out the definition of “domestic worker” and inserting in place
10 thereof the following:

11 “Domestic worker”, an individual or employee who is paid by an employer to perform
12 work of a domestic nature within a household including, but not limited to: (i) housekeeping; (ii)

13 house cleaning; (iii) home management; (iv) nanny services; (v) caretaking of individuals in the
14 home, including sick, convalescing, and elderly individuals; (vi) laundering; (vii) cooking; (viii)
15 home companion services; and (ix) other household services for members of households or their
16 guests in private homes; provided however, that “domestic worker” shall not include: (A) a
17 personal care attendant; (B) an individual whose vocation is not childcare and whose services for
18 employer primarily consist of childcare on a casual, intermittent and irregular basis for a family
19 or household member; or (C) any individual participating in an au pair program subject to
20 regulations under United States Department of State’s Exchange Visitor Program, 22 C.F.R.
21 62.31.