



IN BRIEF

AB 241, the Domestic Worker Bill of Rights would grant overtime protections to California’s personal attendants working in private homes. Personal attendants are caregivers and child care providers who spent a significant amount of time caring for children, elderly or people with disabilities.

THE ISSUE

Domestic workers are among the most isolated and vulnerable workers in the state. Historically, domestic workers who cared for property were given full wage and hour protections but those who cared for human beings were not. Personal attendants in California were excluded entirely from coverage under the Wage Order. Personal attendants were excluded from coverage on the erroneous belief that these workers were primarily young or elderly persons doing this work to supplement income received from their parents or social security benefits, respectively. In 2001, minimum wage protections were extended to personal attendants but they remained excluded from overtime. This bill extends overtime protection to personal attendants.

THE SOLUTION

AB 241 provides overtime protection to personal attendants as follows: one and one-half times the employee’s regular rate of pay for all hours worked over nine hours in any workday and for all hours worked more than 45 hours in the workweek. The bill is in effect for three years. The Governor will appoint a board of personal attendants and employers of personal attendants and/or their representatives to study the effect of this bill.

This bill does not cover among others personal attendants who provide domestic services through the In Home Support Service (IHSS) and Department of Developmental Services pursuant to the Lanterman Developmental Disability Services Act (DDS), close family members of the employer, babysitters who are under 18, casual babysitters.

BACKGROUND

In California, there are around 200,000 domestic workers who serve as housekeepers, nannies, and caregivers in private homes. Domestic workers are primarily immigrant women who work in private households in order to provide for their own families as

the primary income earner. Domestic workers are essential to California as they enable others to participate in the workforce.

Without these domestic workers many Californians would be forced to forgo their own jobs to address their household needs, the result being that the well-being of many California families and the economy as a whole would suffer. However, despite the importance of their work, some domestic workers continue to be excluded from overtime protections that other California workers enjoy.

The denial of overtime to personal attendants is rooted in the notion that their work is not valuable and legitimate work. In 1976, the Industrial Welfare Commission deemed caregiving “a source of rewarding activity,” conducted by individuals “merely for supplemental income.” The IWC relied on this rationale to exclude them from all coverage.

All other hourly Californian workers get overtime pay. Meanwhile, personal attendants who care for California’s children, elderly and people with disabilities do not. As the baby boomer population ages, more people will be turning to domestic work as their profession. AB 241 makes sure that personal attendants receive overtime for their hard work.

SUPPORT

- California Domestic Worker Coalition (Sponsor)
- American Federation of Teachers, Local 1931
- American Federation of Teachers, Local 2121
- Akonadi Foundation
- Alameda Labor Council
- American Civil Liberties Union
- Anakbayan San Diego
- Anakbayan Silicon Valley
- Asian Pacific American Labor Alliance
- Asian Pacific American Legal Center
- Asian Pacific Environmental Network
- Babae San Francisco
- Bay Area Childcare Collective
- Bend the Arc
- California Alliance for Retired Americans
- California Calls
- California Catholic Conference, Inc.
- California Communities United Institute
- California Democratic Party
- California Federation of Teachers

California Immigrant Policy Center
California Latinas for Reproductive Justice
California National Organization for Women
California Nurses Association/National Nurses
Organizing Committee
California Teachers Association
California Women's Agenda
Center for Transformative Change
Central Coast Alliance United for a Sustainable
Economy
Centro Laboral de Graton
Chinese for Affirmative Action
Chinese Progressive Organization
Clergy & Laity United for Economic Justice
Coleman Advocates for Children & Youth
Community United Against Violence
Craig 'N Co Pico Union Project
DignidadRebelde
Dolores Street Community Services
East Bay Alliance for a Sustainable Economy
East Bay Interfaith Committee for Worker Justice
End DV Counseling and Consulting
Filipino Advocates for Justice
Filipino Community Center of San Francisco
Filipino Migrant Center
Forward Together
GABRIELA USA
Gray Panthers of San Francisco
Hand in Hand: The Domestic Employers Association
Interfaith Coalition for Immigrant Rights
Interfaith Council on Economics and Justice
International Longshore and Warehouse Union
Jobs with Justice San Francisco
Labor Project for Working Families
Latino Union of Chicago
Los Angeles County Federation of Labor
Long Beach Immigrant Rights Coalition
Mexican American Legal Defense and Education Fund
Mission SRO Collaborative
MujeresUnidas v Activas
National Alliance for Filipino Concerns
National Council of La Raza
National Domestic Workers Alliance
National Lawyers Guild Labor & Employment Cmte.
National Employment Law Project
North Coast Coalition for Palestine
Oakland Rising
Out4Immigration
Pacific Association of Reform Rabbis
People Organized to Win Employment Rights
Physicians for Social Responsibility Los Angeles
PICO California
Pilipino Workers Center of Southern California
PolicyLink

Racial Justice Allies of Sonoma County
San Francisco Labor Council
San Francisco Rising
SEIU-United Healthcare Workers – West
Senior and Disability Action
Services, Immigrant Rights & Education Network
Silicon Valley Independent Living Center
Sisters of GABRIELA, Awaken!
Temple Beth Hillel
Temple Hashem
Training Occupational Development Educating
Communities
Transnational Institute for Grassroots Research & Action
UAW Local 2865
Union Salvadorenas de EdudiantesUniversitarios
UNITE HERE! Local 2
UNITE HERE! Local 2850
United Educators of San Francisco
Winning Justice for Working Women
Women's Employment Rights Clinic, Golden Gate
University
Women's Foundation of California
Worksafe
Young Workers United

FOR MORE INFORMATION

Curtis Notsinneh, Office of Asm. Tom Ammiano
(916) 319-2017 curtis.notsinneh@asm.ca.gov

Ignacio Hernández, Domestic Worker Coalition
(916) 447-9719 ignacio@hernandezstrategy.com