

SHB 2511 - S COMM AMD

By Committee on Labor & Commerce

ADOPTED AS AMENDED 03/05/2020

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** Whereas there is increasing demand for
4 domestic service professions and domestic workers are often isolated
5 and vulnerable to exploitation, it is a priority for the legislature
6 to provide workers with clear rights and freedom from harassment and
7 protection from retaliation; and to make clear for hiring entities
8 which actions are prohibited in a domestic service employment
9 relationship.

10 NEW SECTION. **Sec. 2.** The definitions in this section apply
11 throughout this chapter unless the context clearly requires
12 otherwise.

13 (1) "Casual labor" refers to work that is irregular, uncertain,
14 and incidental in nature and duration and is different in nature from
15 the type of paid work in which the worker is customarily engaged in.

16 (2) "Challenging behavior" means behavior by a person receiving
17 services or a hiring entity who is the recipient of services from a
18 domestic worker that is specifically caused by or related to a
19 disability that manifests in a way that might be experienced by a
20 domestic worker as offensive or presenting a safety risk.

21 (3) "Discrimination" means employment discrimination prohibited
22 by chapter 49.60 RCW.

23 (4) "Domestic service" means household services for members of
24 households or their guests in private homes. This includes the
25 maintenance of private homes or their premises.

26 (5)(a) "Domestic worker" includes hourly and salaried employees
27 who are paid wages for their services and includes any worker who:

28 (i) Works for one or more hiring entity; and

29 (ii) Is an individual who works in residences as a nanny, house
30 cleaner, home care worker, cook, gardener, or household manager, or

1 for any domestic service purpose including but not limited to: Caring
2 for a child; providing support services for a person who is sick,
3 convalescing, elderly, or a person with a disability; providing
4 housekeeping or house cleaning services; cooking; providing food or
5 butler services; parking cars; cleaning laundry; gardening; or
6 working as a household manager.

7 (b) "Domestic worker" does not include:

8 (i) Persons who provide babysitting on a casual labor basis;

9 (ii) Any individual employed in casual labor in or about a
10 private home, unless performed in the course of the hiring entity's
11 trade, business, or profession;

12 (iii) Individual providers, as defined in RCW 74.39A.240;

13 (iv) Persons who perform house sitting, pet sitting, food
14 delivery services, and dog walking duties that do not involve
15 domestic service;

16 (v) Persons who provide services to members of their own family
17 when:

18 (A) The family members have mutually agreed that care is provided
19 gratuitously;

20 (B) The person who provides services or supports does not provide
21 domestic services in the person's ordinary course of business;

22 (C) The family member providing services or supports has no
23 agreement or expectation of consistent and regular payment for any
24 services provided;

25 (D) The family member providing services or supports is doing so
26 less than fifteen hours a week; or

27 (E) The family member is providing services or supports that are
28 irregular, uncertain, and incidental in nature and duration or are
29 different in nature from the type of paid work in which the worker is
30 customarily engaged in.

31 (6) "Employ" includes to permit to work.

32 (7) "Family member" shall be liberally construed to include, but
33 not be limited to, a parent, child, sibling, aunt, uncle, cousin,
34 grandparent, grandchild, grandniece, or grandnephew, or such
35 relatives when related by marriage or any individual related by blood
36 or affinity whose close association with the individual is the
37 equivalent of a family relationship.

38 (8) "Hiring entity" means any employer, as defined in RCW
39 49.46.010(4), and in RCW 49.60.040(11), who employs a domestic
40 worker, as well as any individual, partnership, association,

1 corporation, business trust, or any combination thereof, which pays a
2 wage or pays wages for the services of a domestic worker. It includes
3 any such entity, person, or group of persons that provides
4 compensation directly or indirectly to a domestic worker for the
5 performance of domestic services and any such entity, person, or
6 persons acting directly or indirectly in the interest of the hiring
7 entity in relation to the domestic worker. "Hiring entity" does not
8 include a state agency or home care agency as defined in RCW
9 70.127.010 and licensed under chapter 70.127 RCW if the home care
10 agency receives funding through RCW 74.39A.310, any adult family home
11 licensed under chapter 70.128 RCW, an assisted living facility
12 licensed under chapter 18.20 RCW, an enhanced services facility
13 licensed under chapter 70.97 RCW, any other long-term care facility
14 licensed by the department of social and health services, or any
15 other person or entity providing services pursuant to chapter 71A.12
16 RCW.

17 (9) "Personal care services" are care services as defined in RCW
18 74.39A.009.

19 NEW SECTION. **Sec. 3.** (1) A hiring entity that employs a
20 domestic worker may not:

21 (a) Request that the domestic worker allow the hiring entity, on
22 either a mandatory or voluntary basis, to have possession of any
23 personal effects, including any legal documents, including forms of
24 identification, passports, or other immigration documents;

25 (b) Engage in any form of discrimination as defined in section
26 2(3) of this act or subject a domestic worker to a hostile work
27 environment within the meaning of chapter 49.60 RCW; a domestic
28 worker shall be entitled to all rights available under chapter 49.60
29 RCW. It shall not constitute discrimination or harassment only when:

30 (i) The alleged discrimination is a challenging behavior; or

31 (ii) A hiring entity who is receiving personal care services, or
32 who has lawful authority or guardianship over a child receiving
33 personal care services, exercises a gender preference in hiring;

34 (c) Take any adverse action against a domestic worker for their
35 exercise of rights under this chapter, which may include, but is not
36 limited to:

37 (i) Denying the use of any rights provided under this chapter;

38 (ii) Denying or delaying payment due under this chapter;

39 (iii) Terminating, suspending, demoting, or denying a promotion;

1 (iv) Reducing the number of work hours for which the domestic
2 worker is scheduled;

3 (v) Altering the domestic worker's preexisting work schedule;

4 (vi) Reducing the domestic worker's rate of pay; and

5 (vii) Threatening to take, or taking action, based upon the
6 immigration status of a domestic worker or a domestic worker's family
7 member;

8 (d) Monitor or record, through any means, the activities of the
9 domestic worker using a bathroom or similar facility, in the domestic
10 worker's private living quarters, or while the domestic worker is
11 engaged in personal activities associated with dressing or changing
12 clothes;

13 (e) Monitor, record, or interfere with the private communications
14 of a domestic worker;

15 (f) Communicate to a person exercising rights protected under
16 this chapter, directly or indirectly, the willingness or intent to
17 inform a government employee or contracted organization suspected
18 citizenship or immigration status of a domestic worker or a family
19 member to a federal, state, or local agency because the domestic
20 worker has exercised any right under this chapter;

21 (g) Require or request any written agreements that:

22 (i) Waive a domestic worker's rights under federal, state, or
23 local law; or

24 (ii) Contain noncompete agreements, nondisclosure agreements,
25 nondisparagement agreements that inhibit a domestic worker's claims
26 of their legal rights under this chapter, or noncompete agreements
27 that limit the ability of domestic workers to seek any other form of
28 domestic work postemployment.

29 (2) It shall be considered a rebuttable presumption of
30 retaliation if the employer or any other person takes an adverse
31 action against a domestic worker within ninety calendar days of the
32 domestic worker's exercise of rights protected under this chapter.
33 However, in the case of seasonal employment that ended before the
34 close of the ninety calendar day period, the presumption also applies
35 if the employer fails to rehire a former domestic worker at the next
36 opportunity for work in the same position. The employer may rebut the
37 presumption with clear and convincing evidence that the adverse
38 action was taken for a permissible purpose.

39 (3) Where subsection (1)(b)(i) of this section applies, prior to
40 offering the employment to a domestic worker or as soon as the hiring

1 entity learns of the information if the domestic worker is already
2 employed, the hiring entity should, when possible, disclose
3 information about any challenging behaviors and relevant behavioral
4 health needs of the individual being cared for as well as tools and
5 supports that may be available to the domestic worker. If there is an
6 authorized representative for the hiring entity receiving care, or an
7 overlapping employment relationship with the hiring entity receiving
8 care, this information must be disclosed in writing by the authorized
9 representative or the hiring entity not receiving care services. The
10 disclosure should be reviewed regularly and must be updated, as
11 necessary, by the hiring entity when any changes in behavior occur
12 that impact safety or provision of personal care services.

13 (4) All communication of the information in subsection (3) of
14 this section must be tailored to respect the privacy of the person
15 receiving services from the domestic worker in accordance with the
16 federal health insurance portability and accountability act of 1996.

17 (5) The exemptions under this section shall not be construed to
18 relieve a hiring entity of liability under this chapter nor shall a
19 domestic worker's agreement to initiate or continue the employment
20 relationship be construed as consent to workplace violence.

21 NEW SECTION. **Sec. 4.** Where more than one hiring entity has an
22 employment relationship with a domestic worker in connection with the
23 same work or where more than one hiring entity has an overlapping
24 employment relationship with a domestic worker, the hiring entities
25 are subject to liability as well as fines and penalties for
26 violations.

27 NEW SECTION. **Sec. 5.** Any standards or rights established by any
28 applicable federal, state, or local law or ordinance, or any rule or
29 regulation issued thereunder, which are more favorable to domestic
30 workers than the minimum standards and rights established by this
31 chapter, or any rule or regulation issued hereunder, shall not be
32 affected by this chapter and such other laws, or rules or
33 regulations, shall be in full force and effect and may be enforced as
34 provided by law. The remedies provided by this chapter are not
35 exclusive and are concurrent with any other remedy provided by law.

36 NEW SECTION. **Sec. 6.** The attorney general's office shall
37 develop and make available a model disclosure statement which

1 describes a hiring entity's obligations related to a domestic
2 worker's rights under this chapter, in at least eight of the most
3 commonly spoken languages in Washington state. The disclosure
4 statement must include notice about any state law, rule, or
5 regulation applicable to domestic workers and indicate that federal
6 or local ordinances, laws, rules, or regulations may also apply. The
7 model disclosure must also include a telephone number and an address
8 of the department of labor and industries to enable domestic workers
9 to obtain more information about their rights, obligations, and
10 enforcement.

11 NEW SECTION. **Sec. 7.** The attorney general's office shall
12 develop and make available a model written employment agreement,
13 which describes actions that are prohibited by a hiring entity and
14 domestic workers' rights under this act in at least eight of the most
15 commonly spoken languages.

16 NEW SECTION. **Sec. 8.** (1) A work group, and accompanying
17 subcommittees as appropriate, on domestic workers administered by the
18 attorney general's office is formed to make recommendations on:

19 (a) A structure for an ongoing domestic worker standards board,
20 including determining the authority and scope of the board. Such
21 authority and scope shall include, but are not limited to, training
22 on relevant labor laws, benefits, and protections; discrimination and
23 sexual harassment; workplace safety standards; requirements on tax
24 obligations; job skills and accreditation; fair scheduling practices;
25 scope of rights and benefits that may apply to independent
26 contractors; outreach, education, and enforcement practices to ensure
27 compliance with applicable labor standards and to provide effective
28 and updated information to both hiring entities and domestic workers;

29 (b) Methods to make state industrial insurance available to
30 domestic workers, including recommendations on legislative,
31 regulatory, or other changes that should be made to the way hiring
32 entities or domestic workers engage with the state industrial
33 insurance system;

34 (c) Methods to increase access for domestic workers to paid sick
35 leave under RCW 49.46.210 and paid family and medical leave under
36 Title 50A RCW;

37 (d) The role of intermediary nonprofit organizations that assist
38 or refer directly impacted domestic workers in increasing access of

1 domestic workers to industrial insurance and to paid sick leave and
2 paid family and medical leave;

3 (e) Wage and hour models for domestic work, including but not
4 limited to live-in care providers such as nannies and au pairs, and
5 independent contractors.

6 (2) The work group shall include at least one representative from
7 each of the following groups that reflects a balance in membership
8 and interests:

9 (a) Directly impacted domestic workers employed in private homes
10 including one domestic worker providing child care services as a
11 nanny, and one domestic worker providing another form of domestic
12 service outside of child care;

13 (b) One current or former au pair;

14 (c) Unions, work centers, or intermediary nonprofit organizations
15 that assist or refer such directly impacted workers;

16 (d) Hiring entities who directly employ single domestic workers
17 in private homes;

18 (e) An organization that educates and organizes household hiring
19 entities;

20 (f) At least two members of the department of labor and
21 industries with expertise in industrial insurance and wage and hour
22 laws and rules;

23 (g) One representative from the department of social and health
24 services;

25 (h) An organization representing the area agencies on aging;

26 (i) An organization representing retired persons;

27 (j) An organization representing persons with disabilities;

28 (k) An organization or agency representing au pairs;

29 (l) One representative from the governor's office; and

30 (m) One representative from the attorney general's office.

31 (3) Representatives shall be appointed by the governor by July 1,
32 2020.

33 (4) The work group shall report its findings and recommendations
34 to the governor's office, attorney general's office, and appropriate
35 committees of the legislature by April 1, 2021.

36 **Sec. 9.** RCW 49.60.040 and 2018 c 176 s 2 are each amended to
37 read as follows:

38 The definitions in this section apply throughout this chapter
39 unless the context clearly requires otherwise.

1 (1) "Aggrieved person" means any person who: (a) Claims to have
2 been injured by an unfair practice in a real estate transaction; or
3 (b) believes that he or she will be injured by an unfair practice in
4 a real estate transaction that is about to occur.

5 (2) "Any place of public resort, accommodation, assemblage, or
6 amusement" includes, but is not limited to, any place, licensed or
7 unlicensed, kept for gain, hire, or reward, or where charges are made
8 for admission, service, occupancy, or use of any property or
9 facilities, whether conducted for the entertainment, housing, or
10 lodging of transient guests, or for the benefit, use, or
11 accommodation of those seeking health, recreation, or rest, or for
12 the burial or other disposition of human remains, or for the sale of
13 goods, merchandise, services, or personal property, or for the
14 rendering of personal services, or for public conveyance or
15 transportation on land, water, or in the air, including the stations
16 and terminals thereof and the garaging of vehicles, or where food or
17 beverages of any kind are sold for consumption on the premises, or
18 where public amusement, entertainment, sports, or recreation of any
19 kind is offered with or without charge, or where medical service or
20 care is made available, or where the public gathers, congregates, or
21 assembles for amusement, recreation, or public purposes, or public
22 halls, public elevators, and public washrooms of buildings and
23 structures occupied by two or more tenants, or by the owner and one
24 or more tenants, or any public library or educational institution, or
25 schools of special instruction, or nursery schools, or day care
26 centers or children's camps: PROVIDED, That nothing contained in this
27 definition shall be construed to include or apply to any institute,
28 bona fide club, or place of accommodation, which is by its nature
29 distinctly private, including fraternal organizations, though where
30 public use is permitted that use shall be covered by this chapter;
31 nor shall anything contained in this definition apply to any
32 educational facility, columbarium, crematory, mausoleum, or cemetery
33 operated or maintained by a bona fide religious or sectarian
34 institution.

35 (3) "Commission" means the Washington state human rights
36 commission.

37 (4) "Complainant" means the person who files a complaint in a
38 real estate transaction.

39 (5) "Covered multifamily dwelling" means: (a) Buildings
40 consisting of four or more dwelling units if such buildings have one

1 or more elevators; and (b) ground floor dwelling units in other
2 buildings consisting of four or more dwelling units.

3 (6) "Credit transaction" includes any open or closed end credit
4 transaction, whether in the nature of a loan, retail installment
5 transaction, credit card issue or charge, or otherwise, and whether
6 for personal or for business purposes, in which a service, finance,
7 or interest charge is imposed, or which provides for repayment in
8 scheduled payments, when such credit is extended in the regular
9 course of any trade or commerce, including but not limited to
10 transactions by banks, savings and loan associations or other
11 financial lending institutions of whatever nature, stock brokers, or
12 by a merchant or mercantile establishment which as part of its
13 ordinary business permits or provides that payment for purchases of
14 property or service therefrom may be deferred.

15 (7)(a) "Disability" means the presence of a sensory, mental, or
16 physical impairment that:

- 17 (i) Is medically cognizable or diagnosable; or
- 18 (ii) Exists as a record or history; or
- 19 (iii) Is perceived to exist whether or not it exists in fact.

20 (b) A disability exists whether it is temporary or permanent,
21 common or uncommon, mitigated or unmitigated, or whether or not it
22 limits the ability to work generally or work at a particular job or
23 whether or not it limits any other activity within the scope of this
24 chapter.

25 (c) For purposes of this definition, "impairment" includes, but
26 is not limited to:

27 (i) Any physiological disorder, or condition, cosmetic
28 disfigurement, or anatomical loss affecting one or more of the
29 following body systems: Neurological, musculoskeletal, special sense
30 organs, respiratory, including speech organs, cardiovascular,
31 reproductive, digestive, (~~genitor-urinary~~) genitourinary, hemic and
32 lymphatic, skin, and endocrine; or

33 (ii) Any mental, developmental, traumatic, or psychological
34 disorder, including but not limited to cognitive limitation, organic
35 brain syndrome, emotional or mental illness, and specific learning
36 disabilities.

37 (d) Only for the purposes of qualifying for reasonable
38 accommodation in employment, an impairment must be known or shown
39 through an interactive process to exist in fact and:

1 (i) The impairment must have a substantially limiting effect upon
2 the individual's ability to perform his or her job, the individual's
3 ability to apply or be considered for a job, or the individual's
4 access to equal benefits, privileges, or terms or conditions of
5 employment; or

6 (ii) The employee must have put the employer on notice of the
7 existence of an impairment, and medical documentation must establish
8 a reasonable likelihood that engaging in job functions without an
9 accommodation would aggravate the impairment to the extent that it
10 would create a substantially limiting effect.

11 (e) For purposes of (d) of this subsection, a limitation is not
12 substantial if it has only a trivial effect.

13 (8) "Dog guide" means a dog that is trained for the purpose of
14 guiding blind persons or a dog that is trained for the purpose of
15 assisting hearing impaired persons.

16 (9) "Dwelling" means any building, structure, or portion thereof
17 that is occupied as, or designed or intended for occupancy as, a
18 residence by one or more families, and any vacant land that is
19 offered for sale or lease for the construction or location thereon of
20 any such building, structure, or portion thereof.

21 (10) "Employee" does not include any individual employed by his
22 or her parents, spouse, or child(~~(, or in the domestic service of any~~
23 ~~person))~~).

24 (11) "Employer" includes any person acting in the interest of an
25 employer, directly or indirectly, who employs eight or more
26 persons(~~(7)~~) and does not include any religious or sectarian
27 organization not organized for private profit. "Employer" also
28 includes a hiring entity who employs a domestic worker, as defined in
29 section 2 of this act, regardless of the number of employees the
30 hiring entity employs.

31 (12) "Employment agency" includes any person undertaking with or
32 without compensation to recruit, procure, refer, or place employees
33 (~~(for an employer)~~).

34 (13) "Families with children status" means one or more
35 individuals who have not attained the age of eighteen years being
36 domiciled with a parent or another person having legal custody of
37 such individual or individuals, or with the designee of such parent
38 or other person having such legal custody, with the written
39 permission of such parent or other person. Families with children
40 status also applies to any person who is pregnant or is in the

1 process of securing legal custody of any individual who has not
2 attained the age of eighteen years.

3 (14) "Full enjoyment of" includes the right to purchase any
4 service, commodity, or article of personal property offered or sold
5 on, or by, any establishment to the public, and the admission of any
6 person to accommodations, advantages, facilities, or privileges of
7 any place of public resort, accommodation, assemblage, or amusement,
8 without acts directly or indirectly causing persons of any particular
9 race, creed, color, sex, sexual orientation, national origin, or with
10 any sensory, mental, or physical disability, or the use of a trained
11 dog guide or service animal by a person with a disability, to be
12 treated as not welcome, accepted, desired, or solicited.

13 (15) "Honorably discharged veteran or military status" means a
14 person who is:

15 (a) A veteran, as defined in RCW 41.04.007; or

16 (b) An active or reserve member in any branch of the armed forces
17 of the United States, including the national guard, coast guard, and
18 armed forces reserves.

19 (16) "Labor organization" includes any organization which exists
20 for the purpose, in whole or in part, of dealing with employers
21 concerning grievances or terms or conditions of employment, or for
22 other mutual aid or protection in connection with employment.

23 (17) "Marital status" means the legal status of being married,
24 single, separated, divorced, or widowed.

25 (18) "National origin" includes "ancestry."

26 (19) "Person" includes one or more individuals, partnerships,
27 associations, organizations, corporations, cooperatives, legal
28 representatives, trustees and receivers, or any group of persons; it
29 includes any owner, lessee, proprietor, manager, agent, or employee,
30 whether one or more natural persons; and further includes any
31 political or civil subdivisions of the state and any agency or
32 instrumentality of the state or of any political or civil subdivision
33 thereof.

34 (20) "Premises" means the interior or exterior spaces, parts,
35 components, or elements of a building, including individual dwelling
36 units and the public and common use areas of a building.

37 (21) "Real estate transaction" includes the sale, appraisal,
38 brokering, exchange, purchase, rental, or lease of real property,
39 transacting or applying for a real estate loan, or the provision of
40 brokerage services.

1 (22) "Real property" includes buildings, structures, dwellings,
2 real estate, lands, tenements, leaseholds, interests in real estate
3 cooperatives, condominiums, and hereditaments, corporeal and
4 incorporeal, or any interest therein.

5 (23) "Respondent" means any person accused in a complaint or
6 amended complaint of an unfair practice in a real estate transaction.

7 (24) "Service animal" means any dog or miniature horse, as
8 discussed in RCW 49.60.214, that is individually trained to do work
9 or perform tasks for the benefit of an individual with a disability,
10 including a physical, sensory, psychiatric, intellectual, or other
11 mental disability. The work or tasks performed by the service animal
12 must be directly related to the individual's disability. Examples of
13 work or tasks include, but are not limited to, assisting individuals
14 who are blind or have low vision with navigation and other tasks,
15 alerting individuals who are deaf or hard of hearing to the presence
16 of people or sounds, providing nonviolent protection or rescue work,
17 pulling a wheelchair, assisting an individual during a seizure,
18 alerting individuals to the presence of allergens, retrieving items
19 such as medicine or the telephone, providing physical support and
20 assistance with balance and stability to individuals with mobility
21 disabilities, and helping persons with psychiatric and neurological
22 disabilities by preventing or interrupting impulsive or destructive
23 behaviors. The crime deterrent effects of an animal's presence and
24 the provision of emotional support, well-being, comfort, or
25 companionship do not constitute work or tasks. This subsection does
26 not apply to RCW 49.60.222 through 49.60.227 with respect to housing
27 accommodations or real estate transactions.

28 (25) "Sex" means gender.

29 (26) "Sexual orientation" means heterosexuality, homosexuality,
30 bisexuality, and gender expression or identity. As used in this
31 definition, "gender expression or identity" means having or being
32 perceived as having a gender identity, self-image, appearance,
33 behavior, or expression, whether or not that gender identity, self-
34 image, appearance, behavior, or expression is different from that
35 traditionally associated with the sex assigned to that person at
36 birth.

37 NEW SECTION. **Sec. 10.** This act may be known and cited as the
38 domestic worker protection act.

1 NEW SECTION. **Sec. 11.** Sections 1 through 8, 10, and 12 of this
2 act constitute a new chapter in Title 49 RCW.

3 NEW SECTION. **Sec. 12.** Sections 1 through 7, 9, and 10 of this
4 act take effect July 1, 2021."

SHB 2511 - S COMM AMD
By Committee on Labor & Commerce

ADOPTED AS AMENDED 03/05/2020

5 On page 1, line 2 of the title, after "workers;" strike the
6 remainder of the title and insert "amending RCW 49.60.040; adding a
7 new chapter to Title 49 RCW; prescribing penalties; and providing an
8 effective date."

EFFECT: (1) Adds to or modifies the exclusions for the definition of domestic worker: (a) Food delivery service workers; and (b) for family member service providers, modifies to exclude those who provide services gratuitously; when the services are not in the worker's ordinary course of business; when there is no agreement or expectation of consistent or regular pay; or the services are irregular, uncertain, and incidental in nature and duration or different from the type of work the person customarily does.

(2) Adds to the exclusions from hiring entity: Certain licensed adult family homes; licensed assisted living, enhanced services or long-term care facilities; DSHS; or entities providing state services.

(3) Modifies the forms of discrimination and provides exceptions, including related to challenging behavior and care for a child and requires disclosure regarding challenging behavior. Provides that the exceptions to discrimination and hostile work environment do not relieve a hiring entity from liability under the act nor is the agreement to continue employment considered consent to workplace violence.

(4) Prohibits a hostile work environment and requiring or requesting a written agreement containing waivers, noncompetes, nondisclosures, or nondisparagements inhibiting a worker's rights or ability to seek employment.

(5) Modifies prohibited adverse action.

(6) Removes the provisions regarding a civil action.

(7) Modifies the work group regarding recommendations; requires the work group have a nanny, a worker outside of child care, a current or former au pair, and organizations representing au pairs and persons with disabilities.

(8) Modifies the exemption from discrimination or harassment to remove that the challenging behavior is exhibited by the hiring entity.

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