

## Domestic Workers to Receive Overtime Pay under California Law

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Effective January 1, 2014, private individuals employing domestic workers in California, such as childcare providers and caregivers, must pay such employees overtime at a rate of time-and-a-half for all hours worked in excess of nine in one day or more than 45 hours in one week. The new law will expire on January 1, 2017, unless it is extended.

The law applies to any person, including corporate officers or executives, who directly or indirectly employs, or exercises control over the wages, hours or working conditions of, a domestic work employee. The law excludes health care facilities, employment agencies, any individual or entity that employs or exercises control over the wages, hours or working conditions of an individual who performs domestic work services through California's In-Home Supportive Services program.

A "domestic work employee" includes any person who performs domestic work, including live-in workers and personal attendants. A personal attendant spends at least 80 percent of his or her time supervising, feeding, clothing or otherwise caring for a child or a disabled or elderly individual.

The law excludes minor babysitters and casual babysitters for minor children, as long as their employment is irregular and not performed by an individual whose vocation is babysitting. The law also does not apply to workers who are paid through the state's In-Home Supportive Services program, employees of licensed health care facilities, or workers hired through employment agencies.

For more information on this or other workplace developments, please contact Mark S. Askanas, at (415) 394-9400 or [AskanasM@jacksonlewis.com](mailto:AskanasM@jacksonlewis.com), or the Jackson Lewis attorney with whom you regularly work.

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