

**HOUSE . . . . . No. 4053**

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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:

*Mark J. Cusack*

DISTRICT/ADDRESS:

*5th Norfolk*

**HOUSE . . . . . No. 4053**

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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.

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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.