

HOUSE No. 4564

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Moran

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 and host families.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Michael J. Moran</i>	<i>18th Suffolk</i>
<i>Richard M. Haggerty</i>	<i>30th Middlesex</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>

<i>José F. Tosado</i>	<i>9th Hampden</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Peter Capano</i>	<i>11th Essex</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>
<i>William J. Driscoll, Jr.</i>	<i>7th Norfolk</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>Jon Santiago</i>	<i>9th Suffolk</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>
<i>David Biele</i>	<i>4th Suffolk</i>
<i>Jerald A. Parisella</i>	<i>6th Essex</i>
<i>Daniel R. Cullinane</i>	<i>12th Suffolk</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Cynthia Stone Creem</i>	<i>First Middlesex and Norfolk</i>

HOUSE No. 4564

By Mr. Moran of Boston, a petition (subject to Joint Rule 12) of Michael J. Moran and others relative to au pairs and host families. Labor and Workforce Development.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to au pairs and host families.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to protect the Au Pair host family employer from private right of action and ensure the sponsor agency assist a host family employer to ensure compliance with state labor laws, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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. Subsection (a) of section 190 of chapter 149 of the General Laws , as
2 appearing in the 2018 Official Edition, is hereby amended by inserting before the definition of
3 “Domestic worker” the following definition:-

4 “Au pair”, an au pair participant who has been granted a J-1 visa solely for participation
5 in the federal Department of State-designated exchange visitor program governed by 22 CFR
6 section 62.31.

7 SECTION 2. Said subsection (a) of said section 190, as so appearing, is hereby further
8 amended by inserting after the definition of “Forced services” the following definition:-

9 “Host family”, an employer of an au pair who is participating as a host family in the
10 United States Department of State exchange visitor program governed by 22 C.F.R. section
11 62.31.

12 SECTION 3. Said subsection (a) of said section 190, as so appearing, is hereby further
13 amended by inserting after the definition of “Rest or “period of rest” the following definition:-

14 “Sponsor agency”, an entity designated by the United States Department of State to
15 conduct an au pair exchange program in the exchange visitor program governed by 22 C.F.R.
16 section 62.31 shall be treated as an employer of an au pair participating in the exchange visitor
17 program.

18 SECTION 4. Said section 190, as so appearing, is hereby amended by adding the
19 following subsection:-

20 (p) A host family shall be subject to section 150 or section 20 of chapter 151 after
21 December 6, 2019 except for a host family with an existing signed sponsor agency agreement
22 provided that the agreement shall not extend beyond one year of the date of signing such
23 agreement or December 6, 2020 whichever comes first; provided further that prior to December
24 6, 2019 and for existing sponsor agency signed host family agreements not to extend beyond one
25 year of the date of signing of such agreement or December 6, 2020 whichever comes first, the
26 sponsor agency shall be responsible for au pair wage and hour claims subject to this chapter and
27 chapter 151.