

Domestic Workers Workgroup

Summary Session Notes

January 25, 2022

Work Group Attendees

- Sylvia Gonzalez
- Joe Kendo
- Dana Barnett
- Kasey Bowen
- Puja Dhawan
- Margaret Diddams
- Fred DuBon

Discussion & Review of Supplemental Documents

Workers Compensation for Domestic Workers - State Comparison

- 2 states required workers comp coverage
 - New Jersey and New Hampshire, require to be obtained through an employer's homeowners insurance
- 21 states required coverage when specific conditions were met
 - The document groups states by like conditions
 - Conditions are:
 - § how many hours were worked
 - § how many wages were earned by the workers
 - § what the gross annual payroll was for the employer
 - § total of domestic workers or wages paid
 - § total number of domestic workers and wages paid
 - **All conditions are based off of a single employer/household**
- 27 states had voluntary coverage
- **Washington** is the only state that requires coverage in a specific situation and offers voluntary coverage for day laborers and domestic workers who do not meet the required conditions.
 - Condition – 2 or more Domestic Workers working 40 or more hours per week
- Definition of Domestic Workers was also reviewed
 - Few states included day laborers in their definition
- Many states had an hour or wage threshold within a certain time period
 - For example: Hawaii requires \$225 during the calendar quarter
- Ohio is the most similar to Washington – L&I reached out to them for additional information
 - Earning threshold is \$160 in any 13 week period
 - There is no education or outreach, employers may not know when coverage is required.
 - They don't have a lot of experience as far as the day laborers situation (which would not be covered under their definition of domestic worker)
 - Reporting and tracking is a challenge, employers must pay a premium upfront and then shoring up at the end of the year

- One thing that they are considering is creating a flat rate for this type of coverage

Work Group Questions/Comments

- How does homeowners insurance come into this?
 - Homeowners insurance is outside the scope of this conversation
- To clarify -- for Connecticut and all the ones we are talking about, are they all based on employer records? Or does it have to be the same employer?
 - This is when the employer needs to apply the coverage.
 - This is not based on the overall work of a single domestic worker
- The requirement is per employer, so could a worker be covered by multiple employers?
 - The answer is yes. WC looks at who they were working for at the time of injury.
 - A worker would only be covered if they are injured at the household of an employer with coverage (either required or voluntary depending on the conditions.)
- How do coverage dates work in Washington?
 - Employers by premiums by the quarter, they pay them in advance of that quarter to ensure coverage
 - If you have 2 or more workers at 40 hours a week. It applies to any given week that you have workers crossing that threshold
- How does time-loss work? If I am only meeting the threshold for coverage from one employer but have other employers are all earning covered?
 - Determining how much time loss received -- earnings when you can't work due to an injury-- would be based on all the income (that is not being received due to the inability to work) and set your time loss rate based off of that.
- We previously talked about accumulative injuries, like back pain from years of work. How would that work with the system?
 - It would be the employer you had the last exposure with who would be the one who owns the claim. If it was due to lifting or chemical exposure, we would look at when was the last time that it harmed you. There are options to say that it was other exposures.
- Is there anything stopping the employer from firing the worker if they file a claim?
 - Yes, they do have rights from retaliation under title 51. They could file a claim. Then we would do an investigation, which could be challenging with the domestic worker that has the less formal relationship with their employer.
- Do any states have a database of "bad employers" for example if a home owner is found to hire workers not elect coverage?
 - No, we list what the employer has coverage and what that coverage is
- Do any states have an outreach program so workers know they have these benefits?
 - Of the states that were reviewed that had conditional requirements, about a third of them had an "About" a page but they simply just listed the condition, no additional information.

Action Items

- Verifying the time loss that covers all the wages and what goes into determining the lost wages.
- Determining responsible employer for coverage associated with an accumulative exposure, requiring an occupational disease claim.

- Confirm with Ohio - how premiums are paid, percentage of employers who elected to get coverage, how does our system work from the employers side, and how do they buy coverage.
- Get together for overview of benefits and on the employers side for premiums.
- Move discussion about case law document to March session (ran out of time during Jan regular session).
- Confirm whether LNI database collects data regarding homeowners who elect not to get coverage.
- Seek testimonials from employers regarding how they get coverage, how are premiums paid, and experiences they had with coverage.