

SENATE, No. 3604

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED FEBRUARY 19, 2026

Sponsored by:

Senator ANTHONY M. BUCCO

District 25 (Morris and Passaic)

Senator GORDON M. JOHNSON

District 37 (Bergen)

SYNOPSIS

Exempts certain workers and organizations from Domestic Workers' Bill of Rights.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning domestic workers and amending P.L.2023,
2 c.262.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 2 of P.L.2023, c.262 (C.34:11-70) is amended to
8 read as follows:

9 2. As used in P.L.2023, c.262 (C.34:11-69 et al.):

10 "Casual work" means work that is:

- 11 (1) irregular, uncertain, or incidental in nature and duration; and
12 (2) different in nature from the type of paid work in which the
13 worker is customarily engaged.

14 "Domestic services" means services of a household nature and
15 performed by an individual in or about a private home on a
16 permanent or temporary basis and includes services performed by a
17 domestic worker.

18 "Domestic worker" or "worker" means hourly and salaried
19 employees, full-time and part-time individuals, and temporary
20 individuals and is narrowly construed to mean any worker who:

21 (1) works for one or more employers; and

22 (2) is an individual who works in residence for the purposes of
23 providing any of the following services: caring for a child; serving
24 as a companion or caretaker for a sick, convalescing, or elderly
25 person or a person with a disability; housekeeping or house
26 cleaning; cooking; providing food or butler service; parking cars;
27 cleaning laundry; gardening; personal organizing; or for any other
28 domestic service purpose, provided that the term domestic worker
29 does not include:

30 (a) A family member, with "family member" meaning a spouse,
31 child, parent, sibling, aunt, uncle, niece, nephew, first cousin,
32 grandparent, grandchild, father-in-law, mother-in-law, son-in-law,
33 daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half-
34 brother, or half-sister, whether the individual is related by blood,
35 marriage, or adoption;

36 (b) An individual primarily engaged in house sitting, pet sitting,
37 or dog walking;

38 (c) An individual working at a business operated primarily out
39 of the residence, such as a home day-care business;

40 (d) An individual whose primary work involves household
41 repair or maintenance, such as a roofer, plumber, mason, painter, or
42 other similar contractor;

43 (e) An employee of the State or the United States; **[or]**

44 (f) An individual established as a kinship legal guardian, as
45 defined by section 2 of P.L.2001, c.250 (C.3B:12A-2), of a child

EXPLANATION – Matter enclosed in bold-faced brackets **[thus] in the above bill is not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 who lives in the residence or an individual who participates in the
2 Kinship Navigator Program, as authorized by the Department of
3 Children and Families, as a caregiver of a child who lives in the
4 residence and receives services provided by a kinship navigator
5 service provider ;

6 (g) An individual who is duly licensed or certified under State
7 law and has satisfied background check and credentialing
8 requirements pursuant to that licensure or certification, including
9 certified homemaker-home health aides;

10 (h) A home care services agency, as defined in section 1 of
11 P.L.1947, c. 262 (C.45:11-23) and licensed pursuant to P.L.1971,
12 c.136 (C.26:2H-1 et al.), including a health care service firm
13 registered pursuant to P.L.1989, c.331 (C.34:8-43 et al.), which
14 performs employee background checks; and

15 (i) A hospice care program licensed under P.L.1997, c.78
16 (26:2H-79 et seq.) and subject to personnel screening and
17 background-check requirements.

18 "Department" means the Department of Labor and Workforce
19 Development.

20 "Employment agency" means any person or entity that procures,
21 or attempts to procure, any workers for referral to a third party.

22 "Hiring entity" means any employer, as defined in section 1 of
23 P.L.1965, c.173 (C.34:11-4.1), who employs a domestic worker and
24 also means any person, firm, business, partnership, association,
25 corporation, limited liability company, or other entity, including
26 referral, employment, and internet based or on-demand platforms,
27 that provides compensation directly or indirectly to a domestic
28 worker for the performance of domestic services and any person or
29 persons acting directly or indirectly in the interest of the employer
30 in relation to the domestic worker. "Hiring entity" shall not include
31 a home care service agency, including a health care service firm, or
32 a licensed hospice care program, with respect to services performed
33 by licensed or certified workers acting within the scope of their
34 licensure or certification.

35 "Live-in domestic worker" includes any individuals, who, as part
36 of their employment, reside in the personal residence of the
37 employer.

38 "Referral agency" means any person or entity that procures, or
39 attempts to procure, directly or indirectly through placement in a
40 physical or virtual labor pool:

41 (1) employees; and

42 (2) after the procurement does not continue involvement in the
43 terms of exchange of domestic services with the employees in any
44 way, with the exception of the following:

45 (a) continuing to display, host, or advertise, either through
46 physical means or virtual means, the workers' contact information,
47 job qualifications, resume, image, or digital profile which

1 employers or clients can use to independently contact employees
2 about employment; or

3 (b) removing, either through physical means or virtual means,
4 the workers' contact information, job qualifications, resume, image,
5 or digital profile, which employers or clients can use to
6 independently contact employees, upon the mandate of any federal,
7 State, or local laws.

8 "Remuneration for work" means compensation due to the work
9 of a domestic worker, payable in legal tender of the United States or
10 checks on banks convertible into cash on demand at full face value,
11 subject to any deductions, charges, or allowances as may be
12 permitted by rules of the department.

13 "Written" or "writing" means a printed or printable
14 communication in physical or electronic form, including a
15 communication that is transmitted through email, text message, or a
16 computer system, or is otherwise sent and maintained
17 electronically.

18 (cf: P.L.2023, c.262, s.2)

19

20 2. This act shall take effect immediately.

21

22

23

STATEMENT

24

25 This bill amends the Domestic Worker's Bill of Rights (DWBR)
26 to clarify that certain individuals and organizations who are
27 licensed or certified under existing regulatory schemes are not
28 intended to be treated as domestic workers under the DWBR.

29 Under current law, there are several types of workers and
30 organization that are not considered to be "domestic workers." This
31 bill adds to those exceptions: 1) an individual who is duly licensed
32 or certified under State law and has satisfied background check and
33 credentialing requirements pursuant to that licensure or
34 certification, including certified homemaker-home health aides
35 regulated and subject to background checks; 2) a home care services
36 agency, including health care service firms, which performs
37 employee background checks; and 3) a licensed hospice care
38 program subject to personnel screening and background-check
39 requirements.

40 Additionally, the bill provides that a "hiring entity" within the
41 scope of the DWBR does not include a home care service agency,
42 including a health care service firm or a licensed hospice care
43 program with respect to services performed by licensed or certified
44 workers acting within the scope of their licensure or certification.