

SENATE BILL NO. 340—SENATOR NEAL

MARCH 23, 2021

Referred to Committee on Health and Human Services

SUMMARY—Revises provision relating to the wages and working conditions of certain employees. (BDR 53-573)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to employment; requiring the Director of the Department of Health and Human Services to establish a home care employment standards board under certain circumstances; prescribing the membership of a home care employment standards board; requiring such a board to conduct an investigation into certain matters relating to the employment of home care employees; requiring such a board to develop recommendations concerning the minimum wage for home care employees or the working conditions of such employees; authorizing the Director to adopt regulations implementing such recommendations; revising provisions governing the administration and enforcement of provisions governing the minimum wage paid to employees in this State; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law requires an employer to pay an employee a wage of not less than a
- 2 certain minimum wage. (Nev. Const. Art. 15, § 16; NRS 608.250) Existing law
- 3 requires the Labor Commissioner to administer and enforce the provisions of
- 4 existing law governing the minimum wage. (NRS 608.270)
- 5 Existing law provides for the establishment of certain programs to provide
- 6 services to certain elderly persons or persons with disabilities to allow such persons
- 7 to remain in their homes or in the community. (NRS 422.396, 427A.250-427A.280,
- 8 427A.793) **Section 8** of this bill designates such a program, and any similar
- 9 program established by a state agency or a local government, as a “home care
- 10 program.”
- 11 Existing law authorizes an agency licensed as an agency to provide personal
- 12 care services in the home to provide certain authorized medical services to persons



13 with disabilities and certain nonmedical services related to personal care to elderly
14 persons or persons with disabilities. (NRS 449.1935) Under existing law, certain
15 providers of temporary respite services are not required to be licensed as an agency
16 to provide personal care services in the home. (NRS 449.0021) Existing law
17 authorizes a certified intermediary service organization to provide certain services
18 related to the employment of a personal assistant who is selected by a person with a
19 disability or other responsible person to provide certain nonmedical and authorized
20 medical services to the person with a disability. (NRS 449.4308)

21 **Section 6** of this bill designates an agency to provide personal care services in
22 the home, an intermediary service organization and certain providers of temporary
23 respite services that have entered into a contract with a state agency or a local
24 government to provide certain services under a home care program as "home care
25 employers." **Section 5** of this bill designates a person who is an employee of a
26 home care employer and who provides personal care services, personal assistance
27 or temporary respite services through a home care program as a "home care
28 employee."

29 **Section 13** of this bill requires the Director of the Department of Health and
30 Human Services to establish a home care employment standards board if the
31 Director determines that it is necessary or upon the petition of 50 or more home
32 care employees. **Section 13** sets forth the membership of such a board, which
33 consists of certain representatives of home care employers and home care
34 employees and certain other persons. **Section 14** of this bill provides that if the
35 Director establishes a home care employment standards board upon the petition of
36 50 or more home care employees, the Director or his or her designee is required to
37 meet with representatives of the petitioners and discuss certain matters relating to
38 the employment of home care employees. **Section 15** of this bill requires the
39 Director and the Labor Commissioner to conduct an investigation into certain
40 matters relating to the employment of home care employees and present the
41 findings of the investigation to a home care employment standards board at the first
42 meeting of the board.

43 **Section 16** of this bill requires a home care employment standards board to
44 conduct an investigation into certain matters of its choosing related to the wages
45 and working conditions of home care employees and the compliance of home care
46 employers with applicable laws. **Section 16** also requires a home care employment
47 standards board to, based on such an investigation, develop recommendations
48 regarding: (1) the minimum wage that may be paid to a home care employee; or (2)
49 safe and healthful working conditions for home care employees. **Section 16**
50 requires a home care employment standards board to submit to the Director a report
51 with its findings and recommendations not later than 1 year after the date of its first
52 meeting. **Section 16.5** of this bill requires the Director to make any report
53 submitted by a home care employment standards board available on an Internet
54 website maintained by the Director.

55 **Section 17** of this bill authorizes the Director to take certain actions with
56 respect to the report of a home care employment standards board. Under **section 18**
57 of this bill, if the Director approves of a recommendation of such a board, the
58 Director is required to adopt regulations as necessary to: (1) establish the minimum
59 wage recommended by the home care employment standards board as the minimum
60 wage which may be paid by a home care employer to a home care employee in this
61 State; or (2) provide for safe and healthful working conditions for home care
62 employees in accordance with the recommendation of the home care employment
63 standards board. **Section 18** also provides that if the Director establishes a
64 minimum wage for a home care employee, the Director is also authorized to adopt
65 regulations concerning the payment of overtime for such employees. **Section 21** of
66 this bill provides that such regulations prevail over the provisions of existing law
67 governing the payment of overtime generally. (NRS 608.018)



68 **Section 20** of this bill makes it a misdemeanor for a home care employer to
69 take certain actions against a home care employee because the home care employee
70 engages in or is believed to have engaged in certain activities relating to a home
71 care employment standards board.

72 **Section 22** of this bill revises provisions of existing law which authorize an
73 employee to bring a civil action against an employer who pays the employee less
74 than the minimum wage for the purpose of allowing a home care employee to bring
75 such an action against a home care employer who pays the homecare employee less
76 than the minimum wage for a home care employee established by regulation
77 pursuant to **section 18**. (NRS 608.260)

78 **Section 23** of this bill provides for the enforcement of the provisions governing
79 the minimum wage for a home care employee established pursuant to **section 18** in
80 the same manner in which the minimum wage established under existing law is
81 enforced. (NRS 608.270)

82 Existing law provides that a person who violates the provisions of existing law
83 governing the minimum wage is guilty of a misdemeanor and is subject to an
84 administrative fine of not more than \$5,000. (NRS 608.290) **Section 24** of this bill
85 applies these same penalties to a person who violates the provisions governing the
86 minimum wage for a home care employee established by the Director pursuant to
87 **section 18**.

88 **Section 25** of this bill authorizes a home care employment standards board or
89 the Labor Commissioner to develop certain recommendations related to the
90 outbreak of the disease identified by the Centers for Disease Control and
91 Prevention of the United States Department of Health and Human Services as
92 COVID-19 and submit such recommendations to the Governor and the Legislature.

93 **Sections 3-12** of this bill define words and terms for the purposes of **sections 2-**
94 **20** of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 608 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 20, inclusive, of this
3 act.

4 **Sec. 2.** *As used in sections 2 to 20, inclusive, of this act,*
5 *unless the context otherwise requires, the words and terms defined*
6 *in sections 3 to 12, inclusive, of this act have the meanings*
7 *ascribed to them in those sections.*

8 **Sec. 3.** *“Agency to provide personal care services in the*
9 *home” has the meaning ascribed to it in NRS 449.0021.*

10 **Sec. 4.** *“Director” means the Director of the Department of*
11 *Health and Human Services.*

12 **Sec. 5. 1.** *“Home care employee” means a person who*
13 *provides:*

14 *(a) Personal care services through a home care program as an*
15 *employee of a home care employer that is an agency to provide*
16 *personal care services in the home;*



1 (b) *Personal assistance through a home care program as a*
2 *personal assistant for whom a home care employer that is an*
3 *intermediary service organization is the employer of record; or*

4 (c) *Temporary respite services through a home care program*
5 *as an employee of a home care employer that has entered into a*
6 *contract with the Aging and Disability Services Division of the*
7 *Department of Health and Human Services to provide such*
8 *services.*

9 2. *As used in this section, "personal assistant" has the*
10 *meaning ascribed to it in NRS 449.4308.*

11 **Sec. 6. "Home care employer" means:**

12 1. *An agency to provide personal care services in the home*
13 *that has entered into a contract with a state agency or local*
14 *government to provide personal care services under a home care*
15 *program;*

16 2. *An intermediary service organization that has entered into*
17 *a contract with a state agency or local government to provide*
18 *services relating to personal assistance under a home care*
19 *program; or*

20 3. *A person or agency who has entered into a contract with*
21 *the Aging and Disability Services Division of the Department of*
22 *Health and Human Services to provide temporary respite services*
23 *under a home care program.*

24 **Sec. 7. "Home care employment standards board" means a**
25 **board established by the Director pursuant to section 13 or 17 of**
26 **this act.**

27 **Sec. 8. 1. "Home care program" means a program**
28 **established by a state agency or a local government which provides**
29 **in the home personal care services, personal assistance or**
30 **temporary respite services to elderly persons or persons with**
31 **disabilities.**

32 2. *The term includes, without limitation:*

33 (a) *Any program established under the State Plan for*
34 *Medicaid which provides, in the home, the services described in*
35 *subsection 1.*

36 (b) *Any program established pursuant to NRS 427A.250 to*
37 *427A.280, inclusive.*

38 (c) *The program established pursuant to NRS 422.396.*

39 (d) *The program established pursuant to NRS 427A.793.*

40 **Sec. 9. "Intermediary service organization" has the meaning**
41 **ascribed to it in NRS 449.4304.**

42 **Sec. 10. "Personal assistance" has the meaning ascribed to it**
43 **in NRS 449.4308.**

44 **Sec. 11. "Personal care services" means the services**
45 **described in NRS 449.1935.**



1 **Sec. 12.** *“Temporary respite services” has the meaning*
2 *ascribed to it in NRS 449.0021.*

3 **Sec. 13.** 1. *If the Director determines that it is necessary or*
4 *upon the petition of 50 or more home care employees, the Director*
5 *shall establish a home care employment standards board to*
6 *conduct an investigation and develop recommendations as*
7 *provided in section 16 of this act.*

8 2. *A home care employment standards board must consist of:*

9 (a) *The Director or his or her designee, who serves as Chair*
10 *and a nonvoting member; and*

11 (b) *The following voting members:*

12 (1) *The Labor Commissioner;*

13 (2) *Three representatives of home care employers,*
14 *appointed by the Director;*

15 (3) *Three representatives of home care employees,*
16 *appointed by the Director; and*

17 (4) *Three persons who receive or are representatives of*
18 *persons who receive services from a home care employee,*
19 *appointed by the Director.*

20 3. *The Director shall appoint the members of a home care*
21 *employment standards board pursuant to subparagraphs (2), (3)*
22 *and (4) of paragraph (b) of subsection 2 after providing public*
23 *notice and soliciting applications for the appointment of such*
24 *members.*

25 4. *The members of a home care employment standards board*
26 *serve without compensation.*

27 5. *A majority of the voting members of a home care*
28 *employment standards board constitutes a quorum to transact*
29 *business, and a majority of a quorum present at any meeting is*
30 *sufficient to approve any recommendation of such a board.*

31 6. *A home care employment standards board shall meet at the*
32 *times and places specified by a call of the Chair. A home care*
33 *employment standards board shall meet as often as necessary to*
34 *accomplish the duties set forth in section 16 of this act, but not less*
35 *than once each calendar quarter.*

36 **Sec. 14.** *If the Director establishes a home care employment*
37 *standards board upon the petition of 50 or more home care*
38 *employees pursuant to section 13 of this act, the Director or his or*
39 *her designee shall, not later than 30 days after the receipt of the*
40 *petition, meet with representatives of the persons who submitted*
41 *the petition and discuss matters relating to the wages and working*
42 *conditions of home care employees in this State and the*
43 *compliance of home care employers with applicable federal, state*
44 *and local laws.*



1 **Sec. 15. 1.** *As soon as practicable after the appointment of*
2 *the members of a home care employment standards board*
3 *pursuant to section 13 of this act, the Director shall fix a date for*
4 *the first meeting of the board. If a home care employment*
5 *standards board is established upon the petition of 50 or more*
6 *home care employees pursuant to section 13 of this act, the first*
7 *meeting of the board must be held not later than 60 days after the*
8 *date of the meeting described in section 14 of this act.*

9 2. *Before the first meeting of a home care employment*
10 *standards board, the Director and the Labor Commissioner shall*
11 *conduct a preliminary investigation into the wages and working*
12 *conditions of home care employees in this State and the*
13 *compliance of home care employers with applicable federal, state*
14 *and local laws. The Director and the Labor Commissioner shall*
15 *coordinate with the Aging and Disability Services Division of the*
16 *Department, the Division of Health Care Financing and Policy of the*
17 *Department and the Division of Public and Behavioral Health*
18 *of the Department as necessary to complete the investigation.*

19 3. *The Director and the Labor Commissioner shall present*
20 *the results of the preliminary investigation conducted pursuant to*
21 *subsection 2 to the home care employment standards board at the*
22 *first meeting of the board.*

23 4. *As used in this section, "Department" means the*
24 *Department of Health and Human Services.*

25 **Sec. 16. 1.** *A home care employment standards board shall:*

26 (a) *Conduct an investigation into matters relating to the wages*
27 *and working conditions of home care employees in this State and*
28 *the compliance of home care employers with applicable federal,*
29 *state and local laws; and*

30 (b) *Based on the investigation conducted pursuant to*
31 *paragraph (a), develop recommendations regarding:*

32 (1) *The minimum wage that may be paid to a home care*
33 *employee in this State; or*

34 (2) *Safe and healthful working conditions for home care*
35 *employees.*

36 2. *A home care employment standards board shall determine*
37 *the scope of its investigation conducted pursuant to paragraph (a)*
38 *of subsection 1 and the specific matters into which it will inquire,*
39 *which may include, without limitation:*

40 (a) *The adequacy of wage rates and other compensation*
41 *policies of home care employers to ensure the provision of quality*
42 *services and sufficient levels of recruitment and retention of home*
43 *care employees;*

44 (b) *The sufficiency of levels of recruitment and retention of*
45 *home care employees;*



1 (c) *The adequacy of the role of home care employees in*
2 *making decisions affecting their wages and working conditions;*

3 (d) *The adequacy and enforcement of training requirements*
4 *for home care employees;*

5 (e) *The impact of home care programs, the larger system for*
6 *long-term care in this State and any efforts to reach the goal of*
7 *rebalancing long-term care services toward home and community-*
8 *based services on the wages and working conditions of home care*
9 *employees;*

10 (f) *The impact of systemic racism and economic injustice on*
11 *home care employees and the adequacy of efforts to alleviate such*
12 *impact through the development of career paths through*
13 *partnerships between labor and management and other methods;*
14 *and*

15 (g) *The adequacy of payment practices and policies of the*
16 *State as such practices and policies relate to the reimbursement of*
17 *home care employers for the provision of services under a home*
18 *care program.*

19 3. *In conducting the investigation pursuant to paragraph (a)*
20 *of subsection 1, a home care employment standards board shall*
21 *have the power to administer oaths, take testimony thereunder and*
22 *issue subpoenas for the attendance of witnesses and the*
23 *production of books, papers and any other materials relevant to*
24 *the investigation.*

25 4. *A home care employment standards board may request*
26 *information relevant to the investigation conducted pursuant to*
27 *paragraph (a) of subsection 1 directly from any state agency. A*
28 *state agency that receives a reasonable request for information*
29 *from a home care employment standards board shall comply with*
30 *the request as soon as is reasonably practicable after receiving the*
31 *request.*

32 5. *A home care employment standards board may request*
33 *direct testimony from any state agency at a meeting of the board.*
34 *The head, or a designee thereof, of a state agency who receives a*
35 *reasonable request for direct testimony at a meeting of a home*
36 *care employment standards board shall appear at the meeting and*
37 *shall comply with the request.*

38 6. *Not later than 1 year after the date of the first meeting of a*
39 *home care employment standards board, the board shall submit to*
40 *the Director a report of its findings and recommendations.*

41 **Sec. 16.5.** *The Director shall make any report submitted by a*
42 *home care employment standards board pursuant to section 16 of*
43 *this act available on an Internet website maintained by the*
44 *Director.*



1 **Sec. 17.** *Upon receipt of a report submitted by a home care*
2 *employment standards board pursuant to subsection 6 of section*
3 *16 of this act, the Director shall review the findings and each*
4 *recommendation contained in the report. The Director may:*

5 1. *Approve or disapprove any recommendation;*

6 2. *Require the home care employment standards board that*
7 *submitted the report to conduct a new investigation and develop*
8 *new recommendations in accordance with section 16 of this act; or*

9 3. *Establish a new home care employment standards board in*
10 *the manner provided in section 13 of this act to conduct a new*
11 *investigation and develop new recommendations in accordance*
12 *with section 16 of this act.*

13 **Sec. 18.** 1. *If the Director approves a recommendation*
14 *contained in a report submitted by a home care employment*
15 *standards board pursuant to subsection 6 of section 16 of this act,*
16 *the Director shall adopt regulations necessary to:*

17 (a) *Establish the minimum wage recommended by the home*
18 *care employment standards board as the minimum wage which*
19 *may be paid to a home care employee in this State; or*

20 (b) *Provide for safe and healthful working conditions for*
21 *home care employees in accordance with the recommendation of*
22 *the home care employment standards board.*

23 2. *If the Director adopts regulations establishing the*
24 *minimum wage which may be paid to a home care employee*
25 *pursuant to paragraph (a) of subsection 1, the Director may also*
26 *adopt any regulations concerning the payment of overtime to a*
27 *home care employee which the Director deems appropriate and*
28 *which are consistent with federal law.*

29 **Sec. 19.** *If the Director adopts regulations establishing the*
30 *minimum wage which may be paid to a home care employee*
31 *pursuant to section 18 of this act:*

32 1. *Each home care employer shall pay to each home care*
33 *employee of the employer a wage of not less than the minimum*
34 *wage established by regulation of the Director pursuant to section*
35 *18 of this act.*

36 2. *It is unlawful for a home care employer to employ, cause to*
37 *be employed or permit to be employed, or to contract with, cause to*
38 *be contracted with or permit to be contracted with, any home care*
39 *employee for a wage less than that established by regulation of the*
40 *Director pursuant to section 18 of this act.*

41 **Sec. 20.** 1. *It is unlawful for a home care employer in this*
42 *State to discharge, discipline, discriminate against in any manner*
43 *or deny employment or promotion to, or threaten to take any such*
44 *action against, a home care employee because:*



1 (a) *The home care employee serves as a member of a home*
2 *care employment standards board;*

3 (b) *The home care employee has actively participated in the*
4 *formation of a home care employment standards board;*

5 (c) *The home care employee has testified or is about to testify*
6 *in an investigation conducted by a home care employment*
7 *standards board;*

8 (d) *The home care employee has engaged in any other activity*
9 *related to the formation or activities of a home care employment*
10 *standards board; or*

11 (e) *The home care employer believes that the home care*
12 *employee may engage in any of the activities described in*
13 *paragraphs (a) to (d), inclusive.*

14 2. *A home care employer who violates the provisions of*
15 *subsection 1 is guilty of a misdemeanor and shall be punished by a*
16 *fine of not more than \$1,000.*

17 **Sec. 21.** NRS 608.018 is hereby amended to read as follows:

18 608.018 1. An employer shall pay 1 1/2 times an employee's
19 regular wage rate whenever an employee who receives
20 compensation for employment at a rate less than 1 1/2 times the
21 minimum rate set forth in NRS 608.250 works:

22 (a) More than 40 hours in any scheduled week of work; or

23 (b) More than 8 hours in any workday unless by mutual
24 agreement the employee works a scheduled 10 hours per day for 4
25 calendar days within any scheduled week of work.

26 2. An employer shall pay 1 1/2 times an employee's regular
27 wage rate whenever an employee who receives compensation for
28 employment at a rate not less than 1 1/2 times the minimum rate set
29 forth in NRS 608.250 works more than 40 hours in any scheduled
30 week of work.

31 3. The provisions of subsections 1 and 2 do not apply to:

32 (a) Employees who are not covered by the minimum wage
33 provisions of Section 16 of Article 15 of the Nevada Constitution;

34 (b) Outside buyers;

35 (c) Employees in a retail or service business if their regular rate
36 is more than 1 1/2 times the minimum wage, and more than half
37 their compensation for a representative period comes from
38 commissions on goods or services, with the representative period
39 being, to the extent allowed pursuant to federal law, not less than 1
40 month;

41 (d) Employees who are employed in bona fide executive,
42 administrative or professional capacities;

43 (e) Employees covered by collective bargaining agreements
44 which provide otherwise for overtime;



1 (f) Drivers, drivers' helpers, loaders and mechanics for motor
2 carriers subject to the Motor Carrier Act of 1935, as amended;

3 (g) Employees of a railroad;

4 (h) Employees of a carrier by air;

5 (i) Drivers or drivers' helpers making local deliveries and paid
6 on a trip-rate basis or other delivery payment plan;

7 (j) Drivers of taxicabs or limousines;

8 (k) Agricultural employees;

9 (l) Employees of business enterprises having a gross sales
10 volume of less than \$250,000 per year;

11 (m) Any salesperson or mechanic primarily engaged in selling
12 or servicing automobiles, trucks or farm equipment;

13 (n) A mechanic or worker for any hours to which the provisions
14 of subsection 3 or 4 of NRS 338.020 apply;

15 (o) A domestic worker who resides in the household where he or
16 she works if the domestic worker and his or her employer agree in
17 writing to exempt the domestic worker from the requirements of
18 subsections 1 and 2; and

19 (p) A domestic service employee who resides in the household
20 where he or she works if the domestic service employee and his or
21 her employer agree in writing to exempt the domestic service
22 employee from the requirements of subsections 1 and 2.

23 4. *Any regulation of the Director of the Department of Health
24 and Human Services concerning the payment of overtime to a
25 home care employee adopted pursuant to section 18 of this act
26 prevails over the general provisions of this section.*

27 5. As used in this section ~~["domestic"]~~ :

28 (a) "Domestic worker" has the meaning ascribed to it in
29 NRS 613.620.

30 (b) "Home care employee" has the meaning ascribed to it in
31 *section 5 of this act.*

32 **Sec. 22.** NRS 608.260 is hereby amended to read as follows:

33 608.260 1. If any employer pays any employee a lesser
34 amount than the minimum wage set forth in NRS 608.250 ~~["or, if
35 applicable, the minimum wage established by regulation of the
36 Director of the Department of Health and Human Services
37 pursuant to section 18 of this act,~~ the employee may, at any time
38 within 2 years, bring a civil action against the employer. A contract
39 between the employer and the employee or any acceptance of a
40 lesser wage by the employee is not a bar to the action.

41 2. If the employee prevails in a civil action brought pursuant to
42 subsection 1:

43 (a) The employee is entitled to all remedies available under the
44 law or in equity appropriate to remedy the violation by the employer



1 which may include, without limitation, back pay, damages,
2 reinstatement or injunctive relief; and

3 (b) The court must award the employee reasonable attorney's
4 fees and costs.

5 **Sec. 23.** NRS 608.270 is hereby amended to read as follows:

6 608.270 1. The Labor Commissioner shall:

7 (a) Administer and enforce the provisions of NRS 608.250 ~~§~~
8 *and section 18 of this act*;

9 (b) Adopt any regulations necessary to carry out the duties set
10 forth in paragraph (a); and

11 (c) Furnish the district attorney of any county or the Attorney
12 General all data and information concerning violations of the
13 provisions of NRS 608.250 ~~§~~ *or section 18 of this act*, occurring in
14 the county coming to the attention of the Labor Commissioner.

15 2. Each district attorney shall, if a complaint is made to him or
16 her by the Labor Commissioner or by any aggrieved person,
17 prosecute each violation of the provisions of NRS 608.250 *or*
18 *section 18 of this act* that occurs in the district attorney's county. If
19 any such district attorney fails, neglects or refuses for 20 days to
20 commence a prosecution for a violation of the provisions of NRS
21 608.250 ~~§~~ *or section 18 of this act*, after being furnished data and
22 information concerning the violation, and diligently to prosecute the
23 same to conclusion, the district attorney is guilty of a misdemeanor,
24 and in addition thereto must be removed from office.

25 **Sec. 24.** NRS 608.290 is hereby amended to read as follows:

26 608.290 1. Any person who violates any provision of NRS
27 608.250, *section 18 of this act* or any regulation adopted pursuant
28 thereto is guilty of a misdemeanor.

29 2. In addition to any other remedy or penalty, the Labor
30 Commissioner may impose against the person an administrative
31 penalty of not more than \$5,000 for each such violation.

32 **Sec. 25.** 1. For the period of time that any emergency
33 directive issued by the Governor pursuant to chapter 414 of NRS
34 relating to the outbreak of the disease identified by the Centers for
35 Disease Control and Prevention of the United States Department of
36 Health and Human Services as COVID-19 remains in effect, a home
37 care employment standards board or, if such a board has not been
38 established by December 1, 2021, the Labor Commissioner, may:

39 (a) Examine matters relating to COVID-19, including, without
40 limitation, the adequacy of plans relating to the distribution of
41 personal protective equipment to home care employees, the testing
42 of home care employees for COVID-19 and the distribution of
43 vaccines for COVID-19 to home care employees; and

44 (b) Develop recommendations concerning:



1 (1) Measures to ensure that plans relating to the distribution
2 of personal protective equipment to home care employees, the
3 testing of home care employees for COVID-19 and the distribution
4 of vaccines for COVID-19 to home care employees are sufficient
5 and equitable;

6 (2) Effective training requirements for home care employees
7 for COVID-19 response;

8 (3) Protocols to allow a home care employee to report an
9 outbreak of COVID-19 or any deficiencies relating to personal
10 protective equipment or testing for COVID-19 without fear of
11 retaliation; and

12 (4) Measures to ensure that the disbursement of federal funds
13 for COVID-19 relief are targeted with the greatest impact.

14 2. In developing any recommendations pursuant to subsection
15 1, a home care employment standards board or the Labor
16 Commissioner shall solicit input from home care employers and
17 home care employees.

18 3. If a home care employment standards board or the Labor
19 Commissioner develops recommendations pursuant to subsection 1,
20 the board or the Labor Commissioner shall prepare a report
21 summarizing such recommendations and submit the report to the
22 Governor and to the Director of the Legislative Counsel Bureau for
23 transmittal to the Legislature or, if the Legislature is not in session,
24 to the Legislative Commission.

25 4. As used in this section:

26 (a) "Home care employee" has the meaning ascribed to it in
27 section 5 of this act.

28 (b) "Home care employer" has the meaning ascribed to it in
29 section 6 of this act.

30 (c) "Home care employment standards board" has the meaning
31 ascribed to it in section 7 of this act.

