

*Do you have an attendant or caregiver working with you or with a family member? Check out these...*

---

## Tips for Employers of Attendants/Caregivers

It can be a new experience to employ an attendant, caregiver, or other domestic worker in your home. (Domestic workers include nannies, child care providers, caregivers or attendants to seniors or people with disabilities, housecleaners, and other household workers.) Whether you pay an individual, hire an agency, or have In Home Supportive Services, you have the power to instruct a person working in your home. ***With that power comes responsibility!***

Most domestic employers want to treat workers well, but rarely have the tools or support they need to know how to do that. Here are some tips on how to set up a good relationship and be a fair employer, as well as basic information on what is legally required.

---

### 1. Set clear expectations

When asked what is important to them in a domestic work relationship, workers *and* employers put clear expectations at the top of their priority list.

- Before you hire, write down exactly what you need an attendant or caregiver to do. When you first interview a worker or an agency, talk specifically about the tasks on your list.
- When someone is working for you, develop a written work agreement. Develop it together, talk through it, and make sure you and the worker agree on the responsibilities. Include schedule, pay, and work tasks. You can find a sample work agreement at [www.domesticemployers.org](http://www.domesticemployers.org).
- If you wish to add a task for the attendant or caregiver, explain why you need this task completed and ask if it is ok to add it. If it will take additional time, make sure the worker will be paid for that time.
- Set regular times to talk with the person who works with you (once a month, perhaps). Ask how the worker feels about the job and share feedback, including what you are happy with and what you might like her or him to do differently.
- Take time for informal conversation to build a relationship. Show your appreciation for the hard work attendants and caregivers do.

## 2. Deal with conflict respectfully

Communicate clearly with the person working in your home. Keep in mind that she or he most likely wants the job to work out.

- Tell the worker your concern, and let her share her experience.
- When you give feedback, focus on the action and the impact it has on you, not the person.
- Remember the power dynamics inherent in the employment relationship.

## 3. Pay the worker fairly.

All domestic workers are entitled to minimum wage and should be paid a living wage whenever possible.

- In San Francisco, as of July 2016, the minimum wage is \$13.00. Across the country, workers are pushing for a wage of \$15. San Francisco's high cost of living makes it very difficult to pay rent and other expenses on a wage of less than \$15.
- Rather than paying a worker a flat amount for a shift, the law requires that you pay an hourly rate - this also ensures that you are paying a fair hourly wage.
- Be sure that the worker is paid reliably. Most home attendants are the primary (and sometimes sole) breadwinner for their family and depend on a regular paycheck. If you pay her or him directly, set a regular date to pay, and stick to it. If you have IHSS and your provider has trouble getting paid on time, help advocate for them.

### A Brief History of Domestic Worker Rights

The absence of guidance for employers and sufficient labor protections for workers has contributed to the exploitation of a workforce that is largely invisible, with the work often done by immigrant women. When federal labor protections were first established in the 1930s, domestic workers and farmworkers were left out of the protections, largely to protect the way of life in the south which was dependent upon former slaves who did this work. Since then, domestic workers have fought for stronger labor protections and recognition that domestic work is real work. Because of these efforts, federal minimum wage and overtime laws as well as California minimum wage, worker's compensation and paid sick-days laws apply to domestic workers doing attendant work. Today, California's domestic workers, with allies such as Senior & Disability Action and Hand in Hand: The Domestic Employers Network, are working to pass SB 1015 to make daily overtime pay a permanent right for home attendants in California.

## 4. Pay overtime for long shifts.

Overtime pay compensates a worker for long hours of work and for the extended time they are away from their families.

- California and federal law requires that an attendant or caregiver be paid 1.5 times the regular rate of pay for work over 9 hours in a day AND for work over 40 hours in a week. For example, if you employ an attendant who works 12 hours per day, Monday, Wednesday, and Friday, she is owed 3 hours of overtime pay each day. This law covers part-time and full-time attendants, whether they live in or out of your home.

*NOTE: IHSS and Regional Center workers are only paid overtime for going over 40 hours in a week, not over 9 hours per day, and these workers have specific rules about overtime. Contact the IHSS Public Authority at 415-243-4477 for more information.*

## 5. Provide paid sick leave.

Attendants and caregivers need paid sick leave so they can afford to stay home to rest when they are ill or injured. It is also better for you if the person you employ does not need to come to work when she or he is sick.

- Both State and San Francisco law require privately-paid attendants and caregivers to receive paid sick leave, at the rate of 1 hour of paid sick leave for every 30 hours worked. More details can be found at [www.sfgov.org/olse](http://www.sfgov.org/olse).
- If you have IHSS, encourage the state to pay sick leave for IHSS providers. If you employ an agency, ask them if they pay sick leave for workers and encourage them to do so!
- In addition to paid sick leave, it is a good idea to allow a worker to take unpaid days occasionally, to take care of a family member, deal with an emergency, or have a vacation. Communicate with the attendant or caregiver and consider any requests for time off.

### ***Treat all workers fairly!***

Treat undocumented immigrant workers the same as any other worker. Labor laws treat all workers equally regardless of immigration status.

## 6. Provide breaks for meals and rest.

Everyone needs a short break now and then to go outside for fresh air, eat, call home to check in with family, or just rest. Attendant work can be physically strenuous and it is healthy for a worker to take a break every few hours.

- It is a good idea to provide a 30-60 minute meal break for a work period of more than 4-5 hours and 10-minute paid breaks every 3-6 hours.

## 7. Keep clear records.

For any attendant or caregiver who works in your home, keep time records of when each worker begins and ends each shift.

- If you pay a worker directly, keep basic records of each person who works in your home, including the worker's name, address, and social security number; time records; wages paid each payroll period; and accrual of paid sick leave hours. This is required by the law and is also good practice.

## 8. Check your tax obligations.

Paying taxes will enable attendants and caregivers to get Medicare, Social Security, and unemployment, if and when needed. You may be able to get a tax credit as well.

- If you pay a worker directly, register as an employer with the California Employment Development Department (EDD), and check these sites to learn about your tax requirements:

<http://www.irs.gov/publications/p926/ar02.html>,

[http://www.edd.ca.gov/pdf\\_pub\\_ctr/de8829.pdf](http://www.edd.ca.gov/pdf_pub_ctr/de8829.pdf),

[http://www.edd.ca.gov/pdf\\_pub\\_ctr/de2311.pdf](http://www.edd.ca.gov/pdf_pub_ctr/de2311.pdf)



**TO LEARN MORE** about hiring and employing an attendant or caregiver, including ideas on how to find a worker and tips on conducting an interview, sign up for a Domestic Employer Training with Senior and Disability Action. Contact Ligia Montano at (415) 546-1333 or [ligia@sdaction.org](mailto:ligia@sdaction.org). Or check out resources on being a fair employer from Hand in Hand: The Domestic Employers Network at <http://www.domesticemployers.org>