

DEPARTMENT OF INDUSTRIAL RELATIONS  
Division of Occupational Safety and Health  
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**SB 321 - Employment Safety Standards Advisory Committee:**  
**Household Domestic Services**  
Minutes of Meeting  
Thursday, September 22, 2022

**Attendees**

Suzanne Teran, *facilitator*  
Laura Stock, *facilitator*  
Nestor Castillo, LOHP  
Erika Alonso  
Socorro Diaz  
Martha Herrera  
Lian Hurst Mann  
Martha Marquez  
Kevin Riley  
Megan Whelan  
Nancy Zuniga  
Anna Pisarello  
Nicanora Montenegro  
Jessica Lehman  
Eileen Boris  
Julietta Hua

**Absent:**

Hina Shah (resigned after last meeting)  
Nicole Brown-Booker  
Theresa Peterson  
Jose Mercado  
Eduardo Garcia  
Deanna Ping, *Chief Deputy Director*

**DIR Attendees:**

Sulma Guzman, *Deputy Director of Policy, Legislation and Regulatory Affairs*  
Carl Paganelli, *Deputy Chief of Cal/OSHA*  
Carmen Cisneros, *Cal/OSHA Area Manager of Consultation*

**Interpreters:**

Pamela Shepard Garcia  
Annabelle Garay Montenegro

## **Announcements (*Sulma Guzman*)**

- Welcome to SB 321 Advisory Committee meeting. Scheduled to go to 4pm. Meeting is being recorded.
- We have interpretation. Use the interpretation feature on Zoom.
- The chat feature is limited only to questions directed to administrators of the zoom session.
- Members of the public can observe and provide public comment at designated time on agenda. Can submit public comments via email to [SB321@dir.ca.gov](mailto:SB321@dir.ca.gov).

## **Welcome and Overview (*Laura Stock*)**

- Request that committee members keep cameras on to maximize engagement. Chat function disabled. Use the hand raise feature to provide comment.
- Introductions from Committee Members (attendance recorded)
- Goals for today's meeting
  - Discuss and review comments on the content of the voluntary guidelines
  - Discuss and review comments on the outline for the policy report
- Reflect on August 2022 meeting
  - Sulma
    - Hina Shah has resigned from the SB 321 Committee
- Approval of the August 2022 meeting minutes
  - Committee members requested some additional time to review the minutes before moving to approve. Will revisit after lunch.

## **Cal/OSHA – Addressing Committee Questions (*Carl Paganelli*)**

- Process for rulemaking. How do we go about that? What involvement do community members, stakeholders, people who are affected by the regulations have in that?
  - Two phases: Formal and Informal. Cal/OSHA handles the informal.
  - When we draft regulations, we do it internally. We have meetings, advisory committee meetings or smaller meetings with people who are going to be affected by the rules (employers, employees, labor). Cal/OSHA drafts the regulation and then ask for feedback/comments. That typically takes 1 year or more.
  - Once Cal/OSHA's side of the drafting is complete, Cal/OSHA still needs to draft an explanation of necessity for each provision of the regulation (Initial Statement of Reasons).
  - Formal rulemaking process is handled by Occupational Safety and Health Standards Board (OSHSB), which is the only agency in CA that can adopt health and safety standards.
  - Summary: Cal/OSHA produces the draft of the regulation, and OSHSB takes the proposal and turns it into an official regulation that is enforceable and part of CA law.
  - Financial analysis involved (cost to Cal/OSHA and CA as a whole) – How will it affect the economy, employers, and workers? Is it going to save money? Is it going to cost money? Will there be more work? Are people going to lose their jobs?

- During the formal rulemaking process, there are opportunities for anyone in the public affected by it to talk to OSHSB via written comments, public meetings, and oral comments.
- OSHSB has no more than 1 year to adopt the regulation
- Multi-year process – informal and formal combined
- Discussion
  - Kevin Riley
    - Isn't there a threshold where a cost analysis does or does not have to be done?
      - Cal/OSHA response: There is always some cost analysis that is done. A complex one can take a year or more, which is triggered at \$50 million in economic impact.
  - Megan Whelan
    - In the context of the domestic work industry, as we are thinking of removing the exclusion and having existing standards apply to this industry, would this trigger the informal/formal rulemaking process, or would that only be triggered if we adopt specific regulations for this industry?
      - Cal/OSHA response: We have to write regulations in order to implement a statute. The legislature writes a bill and adopts them. Governor signs, and the bill becomes a law in the State of CA. The agencies that have to implement those laws often have to fill in the gaps. This prompts the drafting of the regulation, which also means filling in many of the details. I'm not going to speculate whether or not regulations would be required for the household domestic worker setting if the exclusion was removed. Suspect it would require regulations because nothing we do right now applies to the home setting. Many details to fill in. Existing regulations only apply in a workplace that is not in a home.
  - Laura Stock
    - If the exemption was dropped, would the work that would need to happen be more in the arena of developing policy/procedures that lay out internally about how this will be enforced in the home setting, or would it be more of a process of new regulations previously described?
      - Cal/OSHA response: Both. We would definitely have to do the internal policy/procedures and adapt them for the home setting, and we would have to do new regulations. It all depends on what the new statute that comes out of the legislature looks like. Bills are proposed and can change dramatically by the end. Typically, statutes don't fill in all the details and we would need to fill them in.
  - Megan Whelan
    - So during this period of internal policy/procedures development and rulemaking, there would be a timeline where enforcement isn't happening?
      - Cal/OSHA response: Yes, there would be a pause. If there is no regulation, we cannot enforce it.

- Nancy Zuniga
  - What triggers an emergency standard? We saw this with the wild fires and COVID-19.
    - Sulma Guzman response: State agencies have to do rulemaking to fill in the gaps where the statutes may not be clear as to what has to be done to implement the statute. Also, to avoid underground regulations. Two rulemaking processes, emergency and regular. The COVID-19 emergency temporary standard followed the emergency process, where it accelerated the internal development and condensed the formal rulemaking process.
- What alternative investigation processes did we use during COVID-19 (off-site inspections)?
  - Letter inspections – Cal/OSHA receives complaint, sends employer a letter asking them to fix the problem, and requests a response from the employer detailing what they have done to fix the issue. If the response from the employer is unsatisfactory, we will do an on-site investigation. Cal/OSHA will provide the complainant with the employer’s response and what the employer’s actions will be to remedy the problem.
- Discussion:
  - Megan Whelan
    - Are letter inspections done regularly, or just in the context of COVID-19?
      - Cal/OSHA response: Letter inspections are done in certain situations. The letter inspection process existed before COVID-19.
  - Megan Whelan
    - If the employer’s response is satisfactory, then no citation would be issued? Is there a check with the workers?
      - Cal/OSHA response: Yes, and assuming the employer is telling us the truth. We will tell the complainant what we did, and what the result was.
- Privacy concerns, access to worksites and what is in the inspection files. Who has access?
  - Subject to PRA
  - During an open investigation, no info will be released to the public. Once the investigation is closed or if a citation is issued, anyone can ask to see the file (with a few exceptions). No reason needed.
  - File will include: all the names of the people involved (except the complainant), the address of the worksite, all interview notes, employers’ docs, accident investigation reports, citations, and evidence to support the citations.
  - File will NOT include: Addresses of the witnesses/employees, email addresses, medical records, photos from the inspectors, trade secrets
  - If the citations go on appeal, anyone can attend via Zoom. This is much more detailed than what would be in our case files. Typically, there would be exhibits (photos) shown at these hearings. These are public and would be released. Federal OSHA publishes the Cal/OSHA citations issued with the employer’s name

and address in their database. Describes in great detail, but will leave out the victim's name.

- Discussion:
  - Eileen Boris
    - Comment on any of the info gathering in the public would have to be modified for the home. This is one of the hang-ups with people about inspections in relationship with domestic workers.
      - Cal/OSHA response: If the legislature wanted to keep it private for home inspections, they would have to make that decision. Right now, it wouldn't be treated differently.
- Is it possible for fines to be forgiven if the employer corrects the hazard?
  - Cal/OSHA response: If citation issued, then the employer would have to pay unless the citation is withdrawn by Cal/OSHA (rare). Typically, the employer will pay, even if the violation is corrected. If there is a serious injury or death for an employer with fewer than 10 employees, then the minimum penalty is \$18,000 reduced by 40% (\$10,800).
- Discussion:
  - Jessica Lehman
    - We often talk about what is challenging about domestic employers is that there are a lot of seniors and people with disabilities who are very low income. Want to flag this issue. I believe in accountability, but how do we make it work for people?
      - Cal/OSHA response: This is a question for the committee to discuss.
  - Kevin Riley
    - How quickly does an employer have to correct the hazard? Are there any resources that Cal/OSHA can give to small businesses?
      - Cal/OSHA response: Expect them to be corrected within 15-30 days. If the employer corrects the violation quickly for certain penalties, we will lower the penalty by 50%. Does not apply if there is a death caused by the violation. If they do not meet the deadline, then the full amount must be paid. If employers have trouble paying the penalty timely, payment plans can be an option to be paid off over a period of time.
  - Megan Whelan
    - If there is investigation that needs to happen, is there always a citation given?
      - Cal/OSHA response: Most of the time, if there is a violation, a citation will be given. We're an enforcement agency.
- We also have our consultation services department. They are there at the invitation of the employer, and they agree to fix anything the consultant finds. The consultant will go through the workplace/programs and look for issues/problems. Work with the employer to be in compliance. Citations are not issued in this case.
- Discussion:
  - Nancy Zuniga



- What happens with the recommendations from the committee? What are the next steps for each of the items the committee is working on, policy recommendations and guidelines? Once the committee issues those two documents, what happens next and how does it get implemented?

### **Review of Voluntary Guidelines (*Suzanne Teran*)**

- Refer to handout – Voluntary Guidelines Draft v.3
- Discussion:
  - Eileen Boris
    - Some of them seem to be written for some work and not others. On page 1, under b1a, it doesn't refer specifically to nannies for example. In general, some of the guidelines had to be specify for a particular type of work that falls under our discussion or that they have to be elaborated to make reference to what planning for prevention mean when you have a home attendant or nanny as opposed to a cleaner or a day laborer.
  - Jessica Lehman
    - There were a couple places where it might be useful to talk about the safety of the worker and the employer. Need to put something in the guidelines about financial assistance for low-income employers to make sure that they can get the necessary equipment and products to make their home safe.
  - Kevin Riley
    - In terms of framing, include language that reminds a homeowner that they are in fact an employer.
  - Nancy Zuniga
    - Think about how the tone/language addresses the power dynamics that exists in this industry. Reminder that they are employers. Make reference in the beginning to the laws that pertain to domestic work would be a helpful addition to the guidelines.
  - Anna Pisarello
    - Would the purpose part of the document be published along with these guidelines? In reference to the language about making the home a safe workplace and making that explicit link between home and workplace doesn't show up until the next section. Would encourage to forefront that as quickly as possible.
  - Socorro Diaz – It will take a lot of time for myself and other workers to read through and understand all the materials.
  - Suzanne Teran
    - The guidelines are going to have one purpose and there are probably going to be educational materials. This is not the only thing that people will be able to read.
  - Lian Hurst Mann
    - Would help me as an employer who is being addressed, who is speaking, and who is spoken to. In the purpose section, it mentions employer responsibilities. State more clearly, "This section's responsibilities are for

employers.” Right now, the language is a little detached with regard to who is going to do these things.

- Suzanne Teran
  - Will check for consistency as we refine the guidelines. In many of the sections, there is language stating to train workers and review safe practices.
- Lian Hurst Mann
  - This can be partially addressed in the headings stating explicitly that this section’s responsibilities is for employers. Also, it would be important to have domestic worker readers review. People who are in the work could volunteer to review for clarity.
- Megan Whelan
  - For our coalition, we are hoping to bring the guidelines back to our members for further discussion and to have worker readers to ensure that the guidelines are capturing the different ways that workers can feel protected and safe in the workplace. When is the next time the committee will be asked to provide feedback?
- Suzanne Teran
  - There is only so much we can talk through during the advisory committee meetings. We will see how much we can get done today, and keep advancing based on that feedback. If there are questions regarding the content, committee members can also submit written comments for review/consideration.
- Nicanora Montenegro
  - How would this affect the employer-employee relationship in terms of timeframe? For example, if an employer is in need of immediate help from a caregiver, the employer must then provide an orientation and training. That means the need of the client may not be immediately satisfied, when it is immediately needed. The workers in need of a job will have to go through the process of inspection of the hazards of the home, going into the preparation of the contract and everything, when the need is already there for the client and the worker.
- Sulma Guzman
  - In response to Megan’s question regarding soliciting input from folks who are not members of this committee would be something for our facilitators to think about. How do we capture that input? I just wanted to remind folks that we have to be mindful of the Bagley-Keene Open Meeting Act. Work of the committee needs to happen in the public meeting space. Materials will be posted online. Anyone can review and provide feedback during the next meeting or during the public comment period.
- Megan Whelan
  - If we all go back to our constituents and meet with non-members of the committee, does that count as a meeting?



- Sulma Guzman response: Yes, it does count as a meeting. If you are telling people about the work that was done during the meeting, where they could find the posted materials, and direct them to the proper channel to submit input, then that would be okay. If you are asking for input from non-committee members about the work that was done during the meeting, then that could be viewed as holding a meeting.
  - Laura Stock
    - Clarifying question. Under the impression that Bagley-Keene governs the conversations among committee members, but there is no restriction on committee member conversations with non-committee members.
      - Sulma Guzman response: This is a very nuanced act. Will check with special counsel. There is a restriction on committee member conversations among other committee members outside of the public meeting space. The issue here is where you are soliciting input. The transparency factor here is that how does the other committee members know where that feedback is coming from. Will check with special counsel to for clarification.
  - Nancy Zuniga
    - Question for Cal/OSHA regarding their jurisdiction over certain types of tasks, especially construction. In the guidance, there is mention of construction-related work. Want to make sure that is what needs to be covered. My understanding is that construction is already under the jurisdiction of Cal/OSHA.
      - Cal/OSHA response: We are bound by what the CA Supreme Court has said. If it is large-scale construction, then it would fall under Cal/OSHA's jurisdiction. If it's smaller construction projects (i.e., painting a room, installing a toilet, etc), then it could fall under household domestic service. The specifics would need to be reviewed closely in order to make that determination.
- Questions for Discussion
  - Are any key recommendations missing for a hazard category?
  - Are there any recommendations that are not relevant or appropriate for a hazard category? Specifically in the home setting?
  - Are there any recommendations that are confusing, not clear, or warrant further discussion for applicability in the home setting?
- Hazards – Part II
  - Hazards
    - Blood borne pathogens
    - Airborne diseases – including COVID-19
    - Slips, trips, and falls
    - Stress
    - Workplace violence
    - Wildfire smoke

- Working from heights and ladder safety
  - Tree maintenance and removal
  - Power hand tools and equipment
  - Electrical hazards
  - Other hazards
- Discussion:
  - Kevin Riley
    - Questions in the workplace violence piece for committee feedback
  - Anna Pisarello
    - Specific language suggestions in several of the subcategories. I do have a couple of items to add to blood-borne pathogens, slips, trips, and falls, and another category where I would like to provide child care perspective.
  - Jessica Lehman
    - Suggestions on airborne diseases and workplace violence
  - Kevin Riley
    - Do the bullets showing when workers might be at risk for violence, is that accurate? Does that cover the scenario? Might want to highlight.
    - Are these strategies for protecting workers sufficient? Is there anything else we may want to add to this list?
    - If the framework of the guidance document we're talking about is employers taking measures to protect workers from hazards, how does this apply when the employer is a client and may be perpetrating that violence? What recourse does the worker have in that situation?
    - Relationships that workers may have with law enforcement. Do we want to make recommendations about workers reaching out to law enforcement in cases where they might be at risk?
  - Eileen Boris
    - Notion of preclearance may be helpful. This goes more into enforcement. If people are precleared for a home attendant or a nanny, for example, then the obligations in terms of violence and an environment of violence would be understood. It has to worded in a way the recognizes complexity of the employment relationship. Violence is one place where there could be multiple points of intervention that could be recognized in this through a sentence or so.
  - Nancy Zuniga
    - When the aggression is coming from the employer or even a family member, not just in homecare, but we have also seen it with housecleaners. Whether the aggression is one time or over a long period of time, that they be assessed. The concern with law enforcement is that many immigrant workers may not feel comfortable. Response to crime by law enforcement may be treated differently depending where they work and live. Maybe consider making some recommendations to alternatives before calling law enforcement.
  - Anna Pisarello

- Often times, the violence comes from someone who is not technically the employer. In section b1d, that question “Who is in the house?” gets buried as like a last little detail under special circumstances. Suggestion to have a separate bullet point regarding who is actually going to be there. The worker will be more prepared to have an accurate assessment of what their workplace is going to look like.
    - How do we navigate the balance in the relationship between law enforcement and the workers? The retaliation piece is currently a bit buried, and would like to give it more of a center stage earlier in the document. It would help as a rallying point in navigating that relationship and the imbalance of authority.
  - Jessica Lehman
    - Add something about training and working with people with dementia or mental health issues. I don’t want to reinforce the idea that people with mental health issues are violent because that’s not true. Some information about who to call when you are in that situation.
  - Megan Whelan
    - In reference to that piece about if the employer is the person who is perpetuating violence in the context of sexual harassment and assault, it might be good to include a reminder about what is sexual harassment/assault as part of that guideline. Inclusion of specialized trainings for special circumstances for workers.
  - Nicanora Montenegro
    - In my experience, the law favors the client more than the worker.
    - Story: A man was a caregiver, and was wrongfully incarcerated because of a language barrier. He was undocumented, and the employer also took advantage of that. The man was taking care of an elderly women with dementia. The man was having stomach issues and was going in and out of the bathroom. The daughter and granddaughter of the client happened to be there when he was exiting the bathroom. He stated he his stomach was hard, and that was misunderstood as sexual harassment towards the elderly women. The man went to court and he is now incarcerated. We need to tell our workers to be careful with your language because that might be misunderstood. The daughter and the granddaughter of the client started making statements about the man, but there is no proof because there were no other witnesses present in the home.
    - Story: There is a Filipina caregiver taking care of the disabled husband. The husband is so abusive, that he hurt himself and will have bruises. He then proceeded to call the police and told them that the wife, who is also the caregiver, did this to him.
  - Martha Marquez
    - We need training for how to respond when kids or elders are violent or uncooperative with us.
- What is okay for a homeowner to hire out?

- Nancy Zuniga
  - If we write in contractor it can led to misinterpretation. Misclassification occurs. We should focus on tasks. Most day laborers doing the jobs are not licensed, but are often doing jobs that require certain certifications.
- Kevin Riley
  - Making sure the workers know how to the work and have the tools to do the work safely
- Feedback on working from heights and tree maintenance and removal. Do we want to have certain language on this?
  - Megan Whelan
    - Get clarity on what types of tasks. Focus on the scope
  - Julietta Hua
    - Is it enough to just look at heights and power tools?
- Suggestion to not have the tree maintenance and trimming category but to fold it under working form heights and power tools
  - Eileen Boris
    - Make sure throughout document that day laborers are included when appropriate. Recommendation to provide resources in the language of the workers.
  - Kevin Riley
    - Can we incorporate stronger language such as “OSHA recognizes this as a serious hazard”. Perhaps have a flag or icon for hazardous task. Recommendation to take tasks out but flag what hazards might be associated with tree trimming
  - Nancy Zuniga
    - Should also look at slip, trips and falls
  - Martha Marquez
    - Employer training on electrical hazards
  - Martha Herrera
    - Going up ladders to clean can be dangerous
- Tree trimming and maintenance as a separate category will be removed. We will integrate relevant mention working from heights and power tools
- Blood borne pathogens
  - Add a section for infectious diseases or combine with blood borne pathogens
  - Maybe call the section blood and bodily fluids
  - Anna Pisarello
    - Childcare recommendations. To have healthy way to dispose of diaper waste. Hazards for lifting and add to emergency preparedness. Such as a designation for a meeting site for an emergency.
  - Megan Whelan
    - To have a listing of these. Include insect bites, allergies, diapers, bed changing, etc. to broaden this section
  - Nancy Zuniga
    - Recommendation for alternatives to wearing gloves when changing sheets
  - Maybe call the section blood and bodily fluids

- Airborne & COVID-19
  - Nancy Zuniga
    - Add a break from mask wearing and having a predesignated areas for this. Encourage other people in the home to wear masks while a worker is present
- Slips, trips and falls
  - Anna Pisarello
    - Baby gates and other obstacles in the workplace
  - Megan Whelan
    - Clutter and bedding to add to the list that may cause fall
  - Martha Marquez
    - Wet floors as the cause of slips and falls. The need to wear shoes while working even if it's a no shoe house
  - Nancy Zuniga
    - Include examples on how to clean certain things such as bath tubs.
  - Marta Herrera
    - Sometimes workers are asked to complete tasks quickly and as a result, falls occur
  - Erika Alonso
    - A list of recommended vaccines for workers
  - Eileen Boris
    - The guidelines should be in the contract and the health and safety plan
  - Nancy Zuniga
    - To add clean up, evacuation and smoke added to wild fires
- Outline for the Policy Recommendations
  - Megan Whelan
    - What is the goal of this section?
      - The goal is to ensure that the employers can provide the correct workplace
  - Eileen Boris
    - Recommendation to change name on section on Protective Work Environment to something else. For example, Enabling Factors for Employers and Workers.
- Seeking Recommendation for Voluntary Guidelines
  - Kevin Riley
    - Is there a way to encourage some connection of employers back to the network of organizations to provide support and guidance?
  - Nancy Zuniga
    - Protective Work environment section: Adding language and communication consultation, resources to professionals if the employer is able to provide this. May require extra resources to run a hot line
  - Megan Whelan
    - Utilizing the existing hotlines that Cal/OSHA has but also have trainings to answer questions specific to domestic worker issues

- Legal responsibilities and enforcement section
  - Megan Whelan
    - Does the current Cal/OSHA enforcement language still make sense?
- Recommendation for number seven: Having specific Cal/OSHA staff trained and assigned to the domestic worker industry
  - Kevin Riley
    - Recommendation for number one: Cal/OSHA recognize that residential workers in homes are employees. Reference the criteria to apply to homes
  - Eileen Boris
    - Where to put in questions about privacy for the residential home
  - Lian Mann
    - Protect the privacy of the workers. Should be clear who is supposed to be doing these things because currently it is not very clear who is responsible. Have a lot of guidelines that could be adopted and filtered into the system without having to remove the exclusion
  - Socorro Diaz
    - Concern that there could be chaos if the recommendations are not attainable for the workers or employers
  - Martha Marquez
    - workers need protections to say that certain dangerous or toxic activities are not part of the job
  - Megan Whelan
    - Employers who have violations under the labor commissioner's office are listed and can be looked up under the privacy records act. How long does it take Cal OASH to develop those policies and procedures internally? When are advisory developed and how do they get established and should they be in our recommendations?
  - Nancy Zuniga
    - With misclassification it is important that Cal/OSHA mentions that the home can be a workplace. If there are serious citations, those should be public. What is the model referenced in record recommendation three?
  - Committee can decide if it doesn't want to call out a specific model
  - Jessica Lehman
    - How does the voluntary guidelines relate to potential requirements that would come from Cal/OSHA? We also need to watch out for making home care unaffordable for low-income people with disabilities. Move carefully to make this work for everyone. Maintain privacy for people with disabilities so they do not become a target. Everyone in the home or family are responsible for establishing a safe and respectful environment.
  - Suzanne Teran
    - Registry and rating system seemed outside of Cal/OSHA scope, which is one of criteria for this committee work. We suggested putting those ideas as other issues, but we are open to other suggestions.
  - Martha Herrera

- There are many struggles for domestic workers and we have not addressed all of the issues. In Recommendation #15, we are recommending the development of basic training program for workers. But what about the workers who haven't had that training who are just entering the industry? How are we going to include them so these guidelines can reach them? We want to support all homeworkers.
  - Suzanne Teran
    - Committee has mentioned the development of a campaign to saturate public knowledge. If there is a recommendation for a broader campaign, we would welcome input on that idea. We will need to determinate at some point which recommendations will be top priorities for advancing.
  - Nicanora Montenegro
    - Important to provide training for employers and employees. Can the training be done prior to employment? My concern is the urgency for the caregiver and need for services. Can it be paid time by the employer? How will it affect the satisfaction for both the client and employer in terms of time and urgency?
  - Nancy Zuniga
    - One comment on Multi-employer situations. In the past meetings, we talked about centering on the IIPP. Maybe we should add specific language that every home or workplace should have IIPP. It should also match what Cal/OSHA already has in place.
    - We should clarify the issue around flexibility and universal certificates for training.

### **Next Steps (*Suzanne Teran*)**

- Need to submit final drafts for Voluntary Guidelines & Policy Recs by December 2022
- Please submit written comments: (to SB321@dir.ca.gov)
  - On Policy Recommendations by Sept. 30th
  - On Voluntary Guidelines by Oct. 12th
- October Meeting
  - Discuss outreach and dissemination of the guidelines.
  - Committee asked for speaker on Domestic Worker Program.
  - Committee also had additional questions for Cal/OSHA.
  - Discuss draft of policy recommendations.
- November Meeting
  - Discuss the guidelines. Will get final comments on guidelines language.
- Future Agenda Topics?
  - Megan Whelan
    - Possibility of inviting UCLA Labor Center back to discuss demographics of Employers for deeper analysis, particularly on ERs not receiving public funds.
  - Suzanne Teran

- We can check the November agenda. We can also explore other ways to receive that guidance.
- Sulma Guzman
  - Bagley Keene Question --- Taking the guidelines and policy recs and holding a meeting or gathering of non-members to discuss guidelines and policy recs --- Checked with special counsel --- It depends, could run into some sort of serial meeting. Not prevented from public member from contacting member of committee. There is a degree of risk. Not providing legal advice, just providing info on Bagley-Keene. You are encouraged to seek your own legal counsel. If you know of anyone that wants to provide written comment, you are more than welcome to share info on submitting comments. Helps develop record.
  - Next Meeting Date: October 18<sup>th</sup>. We are looking at 10/18 for our next meeting. Will send follow up email with that information. We will collect RSVPs. We will need a quorum.
  - Deadlines for Written Feedback:
    - 9/30 for policy recommendations.
    - 10/12 for voluntary guidelines.

### **Public Comment (*Sulma Guzman*)**

- Erika Chavez
  - Having these guidelines and conditions improves my work protections. It will reduce health risks while I am at work. It helps me as the worker and it helps the employer. If I am exposed to hazards, it helps protect the employer. I use Love's masks when using certain chemicals. Due to COVID-19, we use a lot of bleach. I also have asthma and there are employers who want you to use bleach.
  - The protective equipment should be provided by the employers in each home. It is very expensive for me to buy that protective equipment.
- Maegan Ortiz
  - Executive Director, IDEPSCA
  - We would recommend not including language about contractors v. day labors. Language assumes that terms are mutually exclusive and they are not.
  - Clarification on what falls under Cal/OSHA jurisdiction and exclusion based on what is considered skilled and significant work that benefits a homeowner in and around a home. Based on an existing process already in CA called "Mechanic's lien." Found in California Civil Code and defines work of improvement as including construction, alteration, repair, demolition, removal. Includes seeding, sodding, and grading in landscaping. These should fall under Cal/OSHA jurisdiction.
  - Voluntary guidelines are great and important but removing the exclusion is the critical first step.
  - Workers have been historically been surveilled in their homes, how they work. Privacy is often used by companies. Committee should note that on conversation regarding privacy, privacy has been privilege of the few and not the many.
- Tessa Petrick
  - Member of Hand in Hand, employer two domestic workers.



- Employ a housecleaner. Want to share with worker that certain chemicals she chooses to use might be harmful to her health.
- Employ a nanny. I support health and safety guidelines as an employer. Domestic worker started last year after vaccination. Trying to keep our family and her safe without much guidance. There is clarity in other industries. Want to ensure that we reach as employers and domestic workers with this new information.
- Able to submit comments in writing as well.

**Conclusion (*Suzanne Teran*)**

- Thank you for participation and feedback.
- Meeting is adjourned.