



Written by [Raven Clabough](#) on September 1, 2011

Calif. Nanny State May Legislate Babysitter Pay

In an effort to create an ultimate Nanny state, the California Assembly has recently passed legislation that legislates the proper treatment of babysitters, as per the Assembly's standards. The new legislation requires that babysitters receive rest and meal breaks. Additionally, parents who hire babysitters would be required to provide workers' compensation benefits.



Written by Assemblyman Tom Ammiano (D-San Francisco, left) [Assembly Bill 889](#) makes these requirements and more. The bill applies to all "domestic employees," to include housekeepers, nannies, caregivers, and babysitters.

The Union.com [reports](#):

Under AB 889, household "employers" (aka "parents") who hire a babysitter on a Friday night will be legally obligated to pay at least minimum wage to any sitter over the age of 18 (unless it is a family member), provide a substitute caregiver every two hours to cover rest and meal breaks, in addition to workers' compensation coverage, overtime pay, and a meticulously calculated timecard/paycheck.

Those who do not comply with the new measure could potentially result in legal action against the "employer," which could include penalties, attorneys' fees, and any other legal costs incurred in the process to a maximum of \$4,000.

The bill is sponsored by the California Domestic Workers Coalition, and is touted by its supporters as one that will end "the historic exclusion of domestic workers from labor protections afforded to workers in other industries." They claim that the bill was necessitated by the longstanding "abuse, mistreatment and other labor violations that occur because of the isolated and vulnerable nature of this workforce."

The bill has already passed the Assembly, and is expected to move through the Senate rather quickly as a result of partisan support from all the Democrats. It is expected to be opposed by all Republicans. The next step would then be for the Governor to sign the bill into law.

Newsier [notes](#) that there are some fortunate exceptions to the bill:

One caveat that should comfort harried parents a bit: The requirements would only apply to babysitters over the age of 18, and only if they are not family members — so getting free labor from your teenage kid is still totally fine.

Still, analysts are concerned that such a bill would likely hamper the creation of jobs because families will be less likely to hire housekeepers, nannies and babysitters, opting instead for the use of "institutionalized care rather than allowing children, the sick or elderly to be cared for in their homes." *PJ Tattler* [writes](#), "AB 889 will make live-in caretakers and senior companions completely unaffordable,



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forcing countless seniors into institutionalized living situations, whereas until now they could remain in the comfort of their own homes, with semi-affordable caregivers.” According to *PJ Tattler*, however, that matters little to those who are engaged in a “march toward a progressive future.”

Likewise, parents have articulated concerns over the bill, particularly as it relates to babysitters and the notion that they are entitled to breaks. Jeanne Sager [posted](#) in her blog:

Not only do you have to do the impossible of tracking down a responsible college kid to hang with your tot on a Friday night so you can actually sit down for one meal where you don't have to cut up someone else's food. Now you have to find TWO of them. And the second one will have to agree to just show up every two hours for 15 minutes at minimum wage. AND you're going to have to explain to your 3-year-old why Miss Madison has to get up from the rousing game of SpongeBob Memory to go outside and take a break while this other guy comes in ... for 15 minutes.

Apparently, it could have been worse. Prior to the bill's revisions, the original version wanted to mandate that domestic work employees receive paid vacation.

Republican State Senator Doug LaMalfa [asserts](#) that the legislation marks an “unprecedented measure of legal recourse provided no other class of workers — from agricultural laborers to garment manufacturers.”

LaMalfa's spokesman Mark Spannagel also commented on what he perceives to be the absurdity of the bill. “Now you've got to worry ... about getting sued for not having a detailed wage statement and having meal and rest breaks for your baby sitter? Is this really a priority for California right now?”



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