

CARE IN ACTION EDUCATIONAL MEMO:
**HOW A FUTURE MAYORAL ADMINISTRATION IN THE DISTRICT OF COLUMBIA
SUPPORTS AND PROTECTS ITS DOMESTIC WORKERS**

Care in Action (“CiA”) is the civic engagement sister organization of the National Domestic Workers Alliance. Care in Action empowers women of color and domestic workers, advocating for their rights, civic engagement, and a vision of equity and justice. Founded in 2017, Care in Action is backed by tens of thousands of nannies, house cleaners, and care workers across the country.

Due to the legacy of slavery and sexist devaluation of care work, domestic workers face unique forms of labor exploitation. They work in isolation in private homes which have historically been viewed as beyond the scope of government regulation. In 2022, DC took an important step to center domestic workers, when it passed the landmark DC Domestic Worker Bill of Rights (the Domestic Worker Employment Rights Amendment Act of 2022). This new law offered domestic workers full protections under the DC human rights law and the right to a mandatory contract.

There are around 9,040 domestic workers who are employed in DC. Unfortunately, domestic workers still face significant pay equity gaps, earning a median hourly wage of \$13.31—which is 52.9% less than non-domestic workers (\$28.27/hr).¹ DC domestic workers are overwhelmingly women (over 92%), and a majority are women of color and immigrants.

While CiA has made significant progress in empowering domestic workers and gaining rights in the District of Columbia, there are still gaps a future Mayor can fill in to offer greater support and protection to this workforce.

In 2027, a new executive administration in DC should:

- (1) Eliminate subsection § 902.5 from DC’s Wage and Hour Regulations
to Guarantee All Domestic Workers Equal Rights to Overtime Protections;**
- (2) Fully Restore and Permanently Fund the DC Health Care Alliance insurance;**
- (3) Establish a Strategic Initiative on the Domestic Work Industry within Department of
Employment Services (DOES) in partnership with Community Groups**

¹ Asha Banerjee et al., Econ. Pol’y Inst., *Domestic Workers Chartbook 2022*, Chart 9 (Nov. 22, 2022), <https://www.epi.org/publication/domestic-workers-chartbook-2022/#chart1>.

RECOMMENDATIONS TO SUPPORT AND PROTECT DOMESTIC WORKERS

(1) Eliminate subsection § 902.5 from DC's Wage and Hour Regulations to Guarantee All Domestic Workers Equal Rights to Overtime Protections

PROBLEM: D.C. Mun. Regs. tit. 7, § 902 .5 provides that the District's overtime law does not apply to individuals "employed as a private household worker who lives on the premises of the employer" or "employed as a companion for the aged or infirm." A Mayor has regulatory power to eliminate this subsection of the regulation to guarantee overtime protections to all domestic workers without exception.

- **History** ⇒ At the federal level, the Fair Labor Standards Act (FLSA) provides overtime protections to domestic workers, subject to two narrow exemptions: workers who primarily provide "companionship services" and those who live in their employer's home². In 2013, the Obama administration narrowed the federal definition of "companionship services" to ensure the home care workforce, who perform critical services to older adults and individuals with disabilities, were entitled to full minimum wage and overtime protections. The federal Department of Labor recognized that home care workers are not merely companions akin to casual babysitters but are skilled dedicated professionals. It found that denying the substantial and growing home care sector basic wage protections was inconsistent with the FLSA.
- **The Immediate Threat** ⇒ The Trump administration's Department of Labor is currently moving to rescind the 2013 Obama rule,³ reverting to the broader definition of companionship services that would exclude home care workers from wage and hour protections. Because DC's regulations deny companions the right to overtime, if home care workers are once again deemed companions at federal level, they risk losing their right to overtime under local DC law. This imminent rollback puts home care workers in DC at risk of losing their right overtime under both federal and local law – a right that has been in place over a decade, since 2015. Home care agencies in DC have previously failed to abide by their obligations to pay living wage as mandated by local law. With the growing care crisis, DC already faces a shortage of home care workers available to serve the needs of the aging and individuals with disabilities to avoid institutionalization – any rollback of their rights will only further jeopardize access to continuous and quality care for DC's most vulnerable populations.
- **Closing other Gaps** ⇒ Live-in domestic workers still do not have their rights to overtime under either federal or local DC law. It is long overdue that all domestic workers enjoy equal rights under wage and hour law.

Solution: The DC Mayor can strike D.C. Mun. Regs. tit. 7, § 902.5, in order to eliminate the overtime exclusions for "companions" and live-in domestic workers. This would ensure that all domestic workers receive overtime protections on the same basis as other District workers.

- **Mayoral Authority** ⇒ The Mayor has the regulatory power with regards to minimum wage and overtime as part of the Minimum Wage Act Revision Act of 1992. They specifically are able to "make and revise regulations....to safeguard...overtime provisions" D.C. Code § 32-1006.

² 29 U.S.C. §§ 213(a)(15), (b)(21);

³ Application of the Fair Labor Standards Act to Domestic Service, 90 Fed. Reg. 28,926 (July 2, 2025).

(2) Fully Restore and Permanently Fund DC Healthcare Alliance

PROBLEM: Domestic workers heavily rely on the DC Healthcare Alliance (“Alliance”) insurance program for essential care, including emergency treatment, chronic-condition management, prescription drugs, mental-health services, and preventive care. However, our members cannot meet the current eligibility requirements. Domestic workers generally make just over the income cap if they work full-time, even though they remain low-income and almost never receive employer-based health insurance. Moreover, it is an older workforce with a median age of 45, limiting their eligibility due to age caps.⁴

- **History** ⇒ The Mayor funded the Alliance through 133% FPL for FY2027, but did not restore eligibility to 215% that would provide greater continuity of coverage with Healthy DC.⁵ The District also funded continued coverage for certain already enrolled individuals, but did not fund the removal of the age moratorium.
- **The Immediate Threat** ⇒ Beginning October 1, 2026, adults age 21 and older will be unable to newly enroll. At the same time, federal Medicaid changes will restrict federally funded coverage for some individuals.⁶ and continuing changes to Marketplace subsidies will also limit affordability for others. This creates an urgency for the District to strengthen its local coverage programs before residents to retain the level of coverage they currently rely on.

Solution: The Mayor can direct the Department of Health Care Finance (“DCHF”) to:

- Restore income eligibility to 215% of the Federal Poverty Level.
- Propose a recurring budget line for Alliance medical services without the age moratorium and permit individuals 21 and older to continue to enroll
- Fully fund the Judith Heumann Memorial Workers with Disabilities Act (Medicaid Buy-In).
- Submit the necessary Medicaid State Plan changes to Centers for Medicare & Medicaid Services to implement these reforms.

Mayoral Authority ⇒ The Mayor can direct DHCF, which administers Alliance, to implement changes within its existing authority and pursue any necessary regulatory or legislative changes.⁷

The Mayor can establish and expand a medical assistance program for adult District residents earning up to 200% of the federal poverty level by contracting with managed care providers, assigning enrollees who fail to select a provider to the Health and Hospitals Public Benefit Corporation, seeking federal Medicaid waivers, amending the state Medicaid plan, supporting registration efforts for the uninsured, and modifying eligibility standards to increase enrollment as permitted by the District's budget and financial plan.⁸

⁴ Asha Banerjee et al., *Econ. Pol'y Inst.*, Domestic Workers Chartbook 2022, Chart 6 (Nov. 22, 2022), <https://www.epi.org/publication/domestic-workers-chartbook-2022/#chart1>.

⁵ *Fiscal Year 2026 Budget Support Emergency Act of 2025*, D.C. Act 26-146, § 5044, 72 DCR 9623, 9623 (Sept. 3, 2025) (amending 22-B DCMR § 3300.1 et seq.).

⁶ *Federal Changes to Medicaid*, D.C. Dep't of Health Care Fin., <https://dhcf.dc.gov/page/federal-changes-medicaid>.

⁷ D.C. Code § 7-771.07(2) (grants DHCF power to administer DC Healthcare Alliance); D.C. Code § 1-204.221; D.C. § 7-771.02.

⁸ D.C. Code § 1-307.03(c).

(3) Establish Strategic Initiative on Domestic Work Industry within Department Of Employment Services (DOES) in partnership with Community Groups

PROBLEM: The 2022 Domestic Worker Bill of Rights ensures that domestic workers and their employers utilize the mandatory contract as a tool to ensure common understanding and establishment of clear enforceable working standards in the private home. The efforts to date by the Department of Employment Services (DOES) to actively engage the public and ensure that both domestic workers and employers are utilizing the mandatory contracts has been woefully inadequate. While it complied with the mandate to make materials available on their website, this information is not user-friendly or widely known as a resource.

The DOES should be responsible for proactively disseminating information about domestic workers rights' as they exist under all local wage and hour standards as well the legal obligations of employers to ensure they understand clearly how to be in compliance. Employers throughout the district still fail to know their legal obligations and domestic workers their rights. Without a concerted effort by the District of Columbia to transform the conditions of domestic work, which includes an aggressive public communications plan and accessible interventions to remedy legal violations, domestic workers still fail to see material improvement in working conditions.

- **History** ⇒ The 2022 DC Domestic Worker Bill of Rights created the Domestic Worker Employment Rights Program to provide funding for community groups to perform outreach and education through grants from the Office of Attorney General. In other jurisdictions, local departments of labor adopt a co-enforcement model, partnering with local groups to help build trust, collect evidence and identify violations and workers to come forward but that has not been the case with DOES.

Solution: DOES should see the role of its agency as an explicitly pro-worker force to ensure the District's workers are able to access their full rights under the law. It should adopt a strategic focus on the domestic work industry, dedicating time and resources to

- industry-specific training sessions for their leadership and their investigators;
- developing clear field instruction manuals for investigators that incorporate best practices on supporting domestic workers through claims processes.;
- active collaboration with community organizations and Legal Service Providers on programming including public communications plans;
- exploring different forms of active intervention such as sponsoring clinics to facilitate the formalization of contracts for existing working relationships, offering mediation or compliance support for new hires or to resolve disputes between employers and domestic workers;
- adopt a strategic enforcement model, similar to the Care Initiative by the Federal DOL under Biden and now by the PA Department of Labor. Partner with the Office of Attorney General to target bad actors, publicize wins, encourage more domestic workers to come forward in order to change industry practices.

The Mayor should also increase funding for the Domestic Worker Employment Rights Program in their FY28 budget proposal in order to reach workers closer to the scale of domestic workers in DC, more than has been possible so far with limited funding for the program.

Mayoral Authority: The Mayor has executive oversight over subordinate executive agencies, such as DOES. D.C. Code § 1-204.22 Mayoral oversight over local agencies is not just an inherent right of the Mayor, but rather a statutory power fought for and won through the passage of the Home Rule Act in 1973 to reflect the needs and realities of District residents.