



California Host Family Q and A

Why am I receiving this communication?

You are receiving this communication because you are hosting an au pair in California. As a condition of the settlement of the pending litigation, APIA is required to notify all California host families of their responsibility to comply with the California Labor Code, including payment of the applicable California state or local minimum wage.

Are host families named in this lawsuit?

No; this lawsuit was filed against APIA only. No individual host families were named as defendants in the litigation. As a condition of the settlement, however, APIA insisted that California host families be released from claims asserted in the litigation. Accordingly, we are pleased to reassure you that au pairs included in the settlement will release PAGA claims that arose prior to July 25, 2022, against their individual host families if the settlement receives final judicial approval.

What information will au pairs receive?

Au pairs included in the class will receive notice of the settlement via email and/or text message. The notice provides au pairs with information about the litigation and the settlement. Au pairs may choose to remain in or opt out of the settlement class. Au pairs that were part of the Au Pair in America program in California at any time between January 8, 2020, and July 25, 2022, are part of the class and will receive notice.

What are the implications for our current or future au pair placements?

California families who wish to participate in the Au Pair in America program will need to agree to comply with the California Labor Code, including payment of at least the applicable California state or local minimum wage. While we understand that many families may already be doing this, **APIA is making it a condition of participation in our program with new and extension matches beginning January 1, 2023, or later.**

If we want to extend with our current au pair after January 1, 2023, will the same terms apply?

Yes, the January 1, 2023, change is applicable to both new and extension matches.

Have the U.S. Department of State Regulations changed?

No, there have been no changes to the US Department of State Regulations. Host families and au pairs must continue to adhere to the U.S. Department of State (“DOS”) federal regulations that govern the au pair program and protect program participants. As a reminder, and as set forth in the APIA Host Family Agreement, host families must also “comply with any applicable state and local laws and regulations.”

How do I determine the minimum weekly compensation for my au pair?

Families will be required to pay at least the **greater** of the following: (i) the applicable California state or local minimum wage for all hours of childcare assistance during the week; or (ii) the minimum DOS-required stipend (currently \$195.75). For example, in a week in which your au pair does not provide any childcare assistance, you must still provide the au pair with at least the minimum DOS-required stipend.

As always, we advise you to track weekly hours of childcare assistance.

Am I required pay my au pair overtime compensation?

The California Labor Code provides for both daily and weekly overtime compensation. Please consult with your counsel regarding California overtime requirements. As a reminder, au pairs may not provide more than 10 hours of childcare assistance per day or 45 hours per week in accordance with DOS regulations.

What about credits for room and board?

While the DOS-required minimum stipend recognizes a 40% credit against the federal minimum wage based on U.S. Department of Labor regulations, California permits the following credits against California minimum wage:

	Current	Effective 01/01/23
Meals		
Breakfast	\$5.06 /day	\$5.42 /day
Lunch	\$6.97 /day	\$7.47 /day
Dinner	\$9.35 /day	\$10.02 /day
Lodging (Room occupied alone)	\$65.83 /week	\$70.53 /weekly

Room and board may not be credited against the California minimum wage without a voluntary written agreement with the au pair.

Host families should consult the California Labor Code and their counsel and/or tax advisor when considering credits for room and board or other benefits.

Are there household employee payroll services that can be of assistance?

Yes, there are several reputable services that can help. GTM payroll services is a nationwide service that can work with you for a one-time consult or on-going services. APIA has negotiated a reduced rate for our families. Visit GTM.com for available services.

Is APIA planning to continue the program in the state of California?

YES! Au Pair in America has serviced families and au pairs in California since 1986 and plans to continue to do so. Our goal is to provide a safe and quality cultural exchange and childcare experience for all. We believe this change is important to prevent future legal challenges to our program and will allow us to confidently place au pairs with host families in California for years to come.

What should I do if I have additional questions?

Please send any questions to us at california@aupairinamerica.com. We will answer as quickly as possible and provide answers allowed within the confines of the ongoing litigation.

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The information above does not, and is not intended to, constitute legal advice. Instead, the information is provided for general informational purposes only. Au Pair in America recommends families seek further guidance from their personal legal counsel and/or tax advisor.