

875—219.104(91D) Babysitting services performed on a casual basis.

219.104(1) Employees performing babysitting services on a casual basis are excluded from the minimum wage provisions.

219.104(2) Employment in babysitting services would usually be on a “casual basis,” whether performed for one or more employers, if the employment by all employers does not exceed 20 hours per week in the aggregate. Employment in excess of these hours may still be on a “casual basis” if the excessive hours of employment are without regularity or are for irregular or intermittent periods. Employment in babysitting services shall also be deemed to be on a “casual basis” (regardless of the number of weekly hours worked by the babysitter) in the case of individuals whose vocations are not domestic service who accompany families for a vacation period to take care of the children if the duration of employment does not exceed six weeks.

219.104(3) If the individual performing babysitting services on a “casual basis” devotes more than 20 percent of the individual’s time to household work during a babysitting assignment, the exemption for “babysitting services on a casual basis” does not apply during that assignment and the individual must be paid in accordance with the minimum wage requirement. This does not affect the application of the exemption for previous or subsequent babysitting assignments where the 20 percent tolerance is not exceeded.

219.104(4) Individuals who engage in babysitting as a full-time occupation are not employed on a “casual basis.”

SOURCE: 29 CFR 552.104.