

The Honorable Hilda L. Solis
Secretary
U.S. Department of Labor
200 Constitution Ave., NW
Washington, DC 20210

The Honorable Jacob Lew
Director, Office of Management and Budget
Executive Office of the President
Washington, DC 20503

Dear Secretary Solis and Director Lew:

The undersigned organizations commend the Department of Labor (DOL) for undertaking a review of the rules on the “companionship exemption” under the Fair Labor Standards Act (FLSA), which currently denies the direct care workforce basic federal wage-and-hour protections.

This workforce provides daily supports and services to older Americans and individuals with disabilities who need assistance with personal care and activities of daily living. The work that home care workers and personal care attendants do is vitally important to the health, independence, and dignity of consumers who rely on paid services in their homes. Unfortunately, because of the current DOL regulations, over 1.7 million home care workers are not ensured minimum wage or overtime pay. As a result, wages for this workforce are depressed, earning them low compensation for long hours of work. Nationwide one out of every 12 low-wage workers is a direct care worker, and typical of a low-wage workforce, these home care workers are more likely to be uninsured, and nearly half receive public benefits such as Medicaid or food stamps.

During this economic recovery, we need to implement federal regulatory policies that fight poverty and promote the growth of quality jobs. The current DOL regulations broadly exempt this whole workforce. Such a sweeping policy is unsound, unfair, and undermines the economic recovery and our nation’s goals for quality long-term care. Extending basic minimum wage and overtime protections to most home care workers will strengthen home care occupations and encourage growth in jobs that cannot be outsourced. Improving the quality of these jobs will also strengthening the stability of this emerging workforce. Reducing turnover in this workforce will improve access and quality of these much- needed services.

The work done by these home care workers and personal care attendants affirms the values of dignity and respect we have for our aging citizens and those who are vulnerable. It is time that we value this workforce, too. Now is not the time to delay regulations that would provide them with a small measure of respect – the protection of federal wage-and-hour rules.

We urge you to take prompt action to publish the proposed rule and finalize regulations to extend minimum wage and overtime protections to most home care workers.