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**Request that the U.S. DOL revise interpretation
of the
“Companionship Exemption” for Home Care Workers**

Currently, most home care workers are not provided wage and hour protection under the Fair Labor Standards Act (FLSA). We recommend this policy be reversed immediately by the Obama Administration’s Department of Labor.

In 2001, under the Clinton Administration, the DOL proposed interim final regulations that re-interpreted the companionship exemption to the federal FLSA—extending federal wage and hour protection to home care aides. However, before these regulations could become final, they were withdrawn by the incoming Bush Administration. Subsequently, the U.S. Supreme court, in a unanimous decision in *Coke v. Long Island*, upheld the DOL’s authority in this matter.

Reversing the Bush Administration’s actions would provide minimum wage and overtime protection to hundreds of thousands of home care workers. Although legislation has been proposed on this issue—the Fair Home Health Care Act (S2061/HR3582)— regulatory action could be a simple and quick “early win” for the Obama Administration.

We acknowledge that additional costs will likely be borne by providers in those states that currently rely on home care aides working overtime without FLSA protection. We therefore suggest that states and CMS assist those providers in adjusting over time to these additional costs.

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