

# **EXHIBIT 6**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

_____	)	
HOME CARE ASSOCIATION	)	
OF AMERICA, et al.,	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 1:14-cv-00967
	)	
DAVID WEIL, et al.,	)	
Defendants.	)	
_____	)	

DECLARATION OF HENRY CLAYPOOL

I, Henry Claypool, am the Executive Vice President of the American Association of People with Disabilities. I possess personal knowledge of the matters set forth in this declaration, am competent to testify to the same, and if called to testify my testimony would be as stated in this declaration. I declare pursuant to 28 U.S.C. § 1746 under penalty of perjury that the following is true and correct:

1. I sustained a spinal cord injury in college and have been living with a disability for more than thirty years. In the time since my injury, I have received support from Medicare, Medicaid, Social Security Disability Insurance and Supplemental Security Insurance.
2. I am the Executive Vice President of the American Association of People With Disabilities (AAPD). I have served in this position since January 2013. AAPD seeks to promote equal opportunity, economic power, independent living, and political participation for people with disabilities. AAPD is the nation's largest disability rights organization.
3. In my capacity as Executive Vice President of AAPD, I (and my organization) have been consulted by the Department of Labor as to the most efficient and effective means to implement the final rule concerning the companionship services and live-in domestic service worker exemptions under the Fair Labor Standards Act.

4. I am both a consumer of home care services, and an advocate for consumers who rely on home care services to live independently. The Department of Labor's efforts to extend minimum wage and overtime protection to more home care workers by updating the definition of "companionship services" in section 552.6 of the Home Care Final Rule will help create a more stable work force, which will ultimately benefit consumers.
5. Employment in the home care industry is currently characterized by low wages that contribute to an exceptionally high turnover rate. As a result, the quality of care is undermined and those consumers who rely on these services are often deprived of consistent, reliable, and quality care.
6. The unstable home care workforce directly impacts persons with disabilities. Home health care workers perform personal tasks for their clients in the privacy of their clients' homes. They assist them with personal functions, such as showering and toileting and may be called upon to administer medications and often possess critical knowledge of their client's physical and mental health status. Over time, the best home health care workers form a relationship with their clients—both as a result of the services they perform and the large amount of shared time and space—which results in more individualized and efficiently delivered care. The high turnover rate that results from low wages and limited employment benefits disrupts the development of the critical relationship between the consumer and caregiver.
7. Extending minimum wage and overtime compensation protections to home care workers who perform professionalized home care services within a formalized, commercialized home care industry, will serve as the foundation for forming a stable and competent workforce, which will in turn allow consumers to remain at home, live independently, and receive quality health care services.
8. Since the issuance of the Department of Labor's Home Care Final Rule, significant efforts have been made by the Department of Labor, my organization, other disability organizations, unions, worker advocacy organizations, and others to ensure that various state Medicaid programs are able to continue to meet the need for home care services while also ensuring that the state Medicaid programs are able to fully comply with the obligations to pay minimum wage and overtime pay to newly covered home care workers.
9. In particular, my organization has tracked the substantial progress that has been made by state Medicaid programs, key stakeholders in the home care industry. That progress, however, will be seriously jeopardized if implementation of the Home Care Final Rule is further delayed. I have been working to develop materials to be used by various advocates as they work with states. Based on this collaboration with advocates, I am well aware of the progress that has been made at the state level to put in place policies to implement these regulations. I am, however, also aware of the difficulties caused by a disruption in implementation resulting from a court-imposed temporary stay, and the further harm that will occur should this rule be enjoined. Specifically, I am aware of the disruption already occurring in California, where the changes made by the state legislature, in part due to the advocacy work done by my collaborators, have been

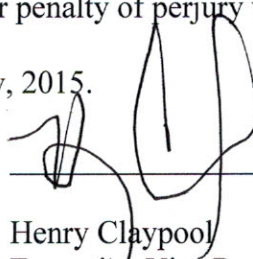


stopped as result of the court action. Further uncertainty created by an injunction would seriously impair continued progress. Workers in those states who would have been newly covered under the regulation will now likely not receive the minimum wage and overtime compensation protections that would have helped stabilize this workforce.

10. Should this regulation be delayed further, many of the needed employment-related reforms to the home care system, essential to the broader goal of stabilizing the workforce that provides the essential services to home care consumers, will be endangered.

I declare pursuant to 28 U.S.C. § 1746 under penalty of perjury that the foregoing is true and correct. Executed on this 5th day of January, 2015.

Washington, DC

A handwritten signature in black ink, appearing to read 'H. Claypool', is written over a horizontal line.

Henry Claypool  
Executive Vice President  
American Association of People with Disabilities