

EXHIBIT 8

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 LANCE KILPATRICK

I, Lance Kilpatrick, am the National Campaign Director of Caring Across Generations. 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 am the National Campaign Director for Caring Across Generations. I have served in this position since June 2014. In this position, I oversee the day-to-day operations of a 501 (c)3 and (c)4 national campaign that promotes policies protecting the dignity and independence of seniors, people with disabilities, and the people who care for them.
2. Prior to joining Caring Across Generations, I worked for 12 years for the AARP, most recently as Vice-President. While at the AARP, I directed a range of health care-related campaigns, providing strategic counsel to AARP's board and executive team.
3. Caring Across Generations seeks to transform long-term care in the United States for individuals who rely on long-term services and supports, for the workers who provide

5. The home care industry has changed and grown exponentially since the Department of Labor's 1975 rulemaking. Through Caring Across Generations' work, it has been clear that the absence of Fair Labor Standards Act protections for many home care workers has resulted in low wages for the home care workforce, consigning millions of caregivers, the overwhelming majority of them women, to working poverty.
6. The substandard working conditions of the homecare workforce has created serious problems with employee recruitment and retention, generating labor shortages that inhibit the ability to meet the nation's rapidly growing need for homecare.
7. One goal of Caring Across Generations is to bring care back home where individuals feel most safe and secure, and to create much needed jobs in the process. We accomplish this by advocating for a comprehensive approach that expands and supports a strong home care workforce and makes long-term services and supports affordable and accessible.
8. During my service as the National Campaign Director of Caring Across Generations, I have worked with a number of states as they prepare to implement the changes to the regulations, Application of the Fair Labor Standards Act to Domestic Service found in 29 C.F.R. Part 552. Indeed, Caring Across Generations has actively assisted the states as they prepare to come into compliance with the changes in the regulations. Understanding the complexity of state implementation, our advocates have been working diligently to ensure progress within their states. Specifically, we have worked with our partners in California, New York, and other states to prepare the Medicaid programs for compliance. Many have been raising awareness amongst their organizational members, building diverse coalitions, contacting state Medicaid Directors, and working with legislators to assess their state's needs in order to implement the rules in a way that benefits workers without negatively impacting consumers. With the 15-month delayed implementation period that has been provided, advocates' work over the last few months has gained momentum, resulting in states making strides toward compliance with the home care rule.
9. Based on this experience, Caring Across Generations has expressed significant concerns about any delay to the changes to the Fair Labor Standards Act (FLSA) definition of companionship services. It is our conclusion that any delay to the Department of Labor's changes to the Home Care rule will impose significant confusion and hardship to states, and their workers and consumers, and would halt the momentum that has been built in bringing justice to home care workers and ensuring quality care for consumers. These hardships include:

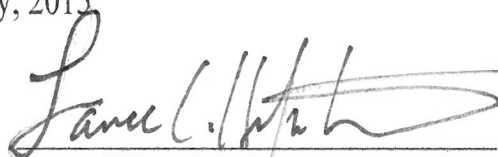
A. Complex state systems fund many of the homecare services provided across the

hardship on states' abilities to prepare their programs and inhibit planning in their budget cycles for funding necessary to carry out the changes in the regulations. States will be denied the opportunity to prepare in legislative sessions for any changes to their Medicaid programs, and this time-limited, missed opportunity may result in inadequate budget allocations during this budget cycle.

- B. The progress made by my organization and others who have worked with state Medicaid programs and legislatures to prepare for full implementation of the regulation may now be stopped and reversed. State Medicaid systems are not often nimble; the work of the last 15 months has been painstaking and slow. A short term delay means interrupting all of the momentum used to move these complex systems to a new model, and it will create long-term consequences for both workers and consumers.
- C. Many home care workers will not gain the protection of the Fair Labor Standards Act, the law of most general application protecting employees in the United States. Many employees who work long hours will be denied overtime protection that they expected (for the last 15 months) would be provided to them on January 1, 2015.

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



Lance Kilpatrick
National Campaign Director
Caring Across Generations