



July 30, 2014

The Honorable Thomas E. Perez
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

**ACLU Urges the Department of Labor to Not Delay the Implementation of
the “Fair Labor Standards Act (FLSA) to Domestic Service” and its
Current Effective Date of January 1, 2015**

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Dear Secretary Perez:

For nearly 100 years, the ACLU has been working in courts, legislatures, and communities to defend and preserve the individual rights and liberties that the Constitution and the laws of the United States guarantee everyone in this country. With more than a million members, activists, and supporters, the ACLU is a nationwide organization that fights tirelessly in all 50 states, Puerto Rico, and Washington, D.C., for the principle that every individual's rights must be protected equally under the law.

We write today in support of the Department of Labor's final rule "Application of the Fair Labor Standards Act (FLSA) to Domestic Service," and its current effective date of January 1, 2015. We hope to ensure that home care workers will receive minimum wage and overtime pay as of January 1, 2015 and that there be no delay in implementation. Home care workers should not wait any longer to bring home fair pay.

In December 2011, the Department of Labor placed stakeholders on notice of possible new FLSA rule changes. In October 2013, the Department published a final rule extending federal minimum wage and overtime protections to home care workers—the culmination of years of research and analysis and after revisions based on public comments. Instead of instituting the rule within 60 days of this announcement, the Department delayed implementation of the rule until January 2015, providing stakeholders a 15 month window to comply. Extending the implementation further is unnecessary and detrimental to these workers, their families, and the American economy.

The ACLU has long been concerned about the exclusion of personal care work from wage and hour protections because the policy disproportionately harms workers – particularly immigrant women and women of color – and perpetuates inequality on gender, racial, ethnic, and national origin grounds. We oppose any continued exclusion through delays in implementation of the rule.

Too many home care workers are barely able to sustain their own families on the wages they earn: half live in households that rely on public benefits such as Medicaid, food stamps and housing subsidies. Implementing this new rule will extend federal oversight and minimum labor protections to home care workers and lay a foundation for improving the quality of these jobs as our country's demand for in-home services and supports grow.

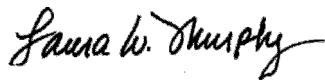
Some states have already begun the implementation process by proactively seeking information from the Department of Labor regarding the implementation of the new rule. A delay is not justified for those states that have neglected to begin the implementation process or failed to seek assistance earlier, given the abundant time provided by the Department.

After 40 years of exemption from core labor protections, contrary to congressional intent, the ACLU and its coalition partners strongly advocate swift implementation for the two-million-plus home care workers who will benefit from this rule.

Again, we thank the Department for its shared commitment to correcting this long-standing problem. We support your work on this new rule and strongly urge you to move forward with the implementation deadline of January 1, 2015.

If you have questions or need additional information, please contact Deborah J. Vagins at (202) 675-2335 or dvagins@aclu.org.

Sincerely,



Laura W. Murphy
Director, Washington Legislative Office



Deborah J. Vagins
Senior Legislative Counsel

CC: Dr. David Weil, Administrator, Wage and Hour Division, U.S. Department of Labor