

July 10, 2013

The Honorable Barbara Mikulski  
Chairwoman  
Committee on Appropriations  
U.S. Senate  
Washington, D.C. 20510

The Honorable Richard Shelby  
Ranking Member  
Committee on Appropriations  
U.S. Senate  
Washington, D.C. 20510

Dear Chairwoman Mikulski and Ranking Member Shelby:

The undersigned organizations support the Department of Labor (DOL) for revising the rules (RIN 1235-AA05) on the “companionship exemption” under the Fair Labor Standards Act (FLSA), which currently denies the direct care workforce basic federal wage-and-hour protections. **We oppose any amendments that would block, delay or limit DOL from finalizing and implementing the updated “companionship exemption” rule covering home care workers.**

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, often for long hours of work. The current federal minimum wage is \$7.25 per hour but one quarter of personal care aides earn less than \$6.59 per hour and one quarter of home health aides earn less than \$7.21 per hour. 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 access to quality care and 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 improve the stability of our home care workforce and encourage growth in jobs that cannot be outsourced. Reducing turnover in this workforce will improve access to 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 individuals with disabilities. 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 oppose efforts to delay issuing the final rule and we support increasing resources to expand in-home supports and services. Our nation faces many challenges to allow consumers and home care workers to live with dignity, respect and independence but the solution to providing these needed services is not to deny paid caregivers federal minimum wage and overtime protections.

9to5

Advocacy for Patients with Chronic Illness, Inc.

AFL-CIO

AFSCME

Alliance for a Just Society

Alliance for Retired American

American Association of University Women (AAUW)

American Civil Liberties Union

American Federation of Government Employees (AFGE)

American Federation of Teachers (AFT)

American Society on Aging

Asian Law Caucus, Member of Asian American Center for Advancing Justice

Asian Pacific American Legal Center, a member of the Asian American Center for Advancing Justice

Association of University Centers on Disabilities (AUCD)

Campaign for Community Change

Caring Across Generations

Center for Law and Social Policy (CLASP)

Chicago Jobs Council

Coalition of Labor Union Women

Coalition on Human Needs

Communications Workers of America (CWA)

Community Action Partnership

Cooperative Care

D.C. Employment Justice Center

Demos

Direct Care Alliance

Direct Care Workers of Color, Inc.

Disciples Justice Action Network

Equality State Policy Center

Excluded Workers Congress

Families USA

Food Chain Workers Alliance

Friends Committee on National Legislation

Gray Panthers

Health Care for America Now

Indiana Care Givers Association

Institute for Policy Studies

Interfaith Worker Justice

International Brotherhood of Teamsters

International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, UAW

Iowa Statewide Independent Living Council (SILC)

Jobs With Justice/American Rights at Work

Lawyers' Committee for Civil Rights Under Law

League of United Latin American Citizens

Legal Aid of Marin  
Legal Momentum  
MataHari: Eye of the Day  
MomsRising  
National Alliance for Direct Support Professionals  
National Consumer Voice for Quality Long-Term Care  
National Council of Jewish Women  
National Council of La Raza (NCLR)  
National Council of Negro Women (NCNW)  
National Council of Women's Organizations  
National Domestic Workers Alliance  
National Employment Law Project (NELP)  
National Employment Lawyers Association (NELA)  
National Gay and Lesbian Task Force Action  
National Hispanic Council on Aging  
National Partnership for Women & Families  
National Women's Law Center  
National Women's Health Network  
National Workrights Institute  
NCB Capital Impact  
NETWORK, A National Catholic Social Justice Lobby  
OWL-The Voice of Midlife and Older Women  
Paraprofessional Healthcare Institute (PHI)  
Partnership for Working Families  
Provincial Council of the Clerics of St. Viator (Viatorians)  
Raising Women's Voices for the Health Care We Need  
Sargent Shriver National Center on Poverty Law  
Service Employees International Union (SEIU)  
Sugar Law Center for Economic and Social Justice  
The Brazilian Immigrant Center  
The Leadership Conference on Civil and Human Rights  
United Steelworkers (USW)  
Universal Health Care Action Network (UHCAN)  
USAction  
Virginia Poverty Law Center  
Voices for America's Children  
Voices for Progress  
Washington Community Action Network  
Wider Opportunities for Women  
Women Employed  
Working America