



Leadership Council of Aging Organizations

William (Larry) Minnix, Jr., Chair

September 28, 2011

The Honorable Jacob Lew
Director, Office of Management and Budget
Executive Office of the President
725 17th Street, NW
Washington, DC 20503

Dear Director Lew,

As you know, the Department of Labor (DOL) has prepared a notice of proposed rulemaking to revise the current exemption of home care workers under the Fair Labor Standards Act (FLSA). The Leadership Council of Aging Organizations (LCAO), a coalition of national not-for-profit organizations representing over 60 million older Americans, supports this effort. We urge the Office of Management and Budget (OMB) to complete its review and instruct DOL to release the notice of proposed rulemaking as soon as possible.

Although Congress expanded the FLSA to include most domestic workers in 1974, DOL has broadly interpreted an exemption that Congress provided at that time for "companionship services". Because of this broad interpretation, more than 1.7 million paid home care workers -- who provide critical, often life-sustaining, services to our nation's seniors and others with disabilities -- are exempt from federal minimum wage and overtime protections under the FLSA. The physically and emotionally demanding assistance home care workers provide to individuals who cannot perform activities of daily living enables these individuals to maintain their independence and remain in their homes. These workers provide services that keep millions of seniors and people with disabilities from needing far more costly institutional care.

Today, our nation struggles to find and retain enough home care workers to care for the rapidly increasing numbers of older adults and people with disabilities who need care; a trend that will intensify as the population ages. The eldercare industry, the fastest-growing sector within the health care industry, employs millions of individuals in the United States. According to DOL, home health aides and personal care aides are two of the ten fastest-growing occupations through 2018. Strengthening home care occupations by applying minimum wage and overtime law to more home and personal

care workers can drive long-term economic growth, particularly within low-income communities, improve quality of care for consumers, and provide support for family caregivers.

It is important for all stakeholders affected by this rulemaking process – clients of home care services and their family caregivers, as well as home care workers and their employers – to have the opportunity to provide input that the public release of the proposed rule will afford.

The LCAO urges you to complete your review and publicly release the notice of proposed rulemaking on the FLSA’s companionship exemption as quickly as possible. Thank you in advance for your attention to this matter.

Sincerely,

AARP

AFL-CIO

Alzheimer’s Foundation of America

American Federation of State, County, and Municipal Employees (AFSCME) Retirees

Alliance for Retired Americans

American Association for International Aging

American Federation of Teachers Program on Retirement and Retirees

American Geriatrics Society

Association for Gerontology and Human Development in Historically Black Colleges
and Universities

Experience Works

Families USA

Gray Panthers

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

National Academy of Elder Law Attorneys

National Active and Retired Federal Employees Association

National Asian Pacific Center on Aging

National Association of Area Agencies on Aging

National Association of Nutrition and Aging Services Programs

National Caucus and Center on Black Aged

National Consumer Voice for Quality Long-Term Care

National Council on Aging

National Senior Citizens Law Center

OWL - The Voice of Midlife and Older Women

PHI – Quality Care through Quality Jobs
Senior Service America, Inc.
Service Employees International Union
Wider Opportunities for Women