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November 19, 2013

The Honorable Tim Walberg
Chairman
Workforce Protections Subcommittee
Education and the Workforce Committee
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Joe Courtney
Ranking Member
Workforce Protections Subcommittee
Education and the Workforce Committee
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Walberg and Ranking Member Courtney:

On behalf of the 1.6 million members of the American Federation of State, County and Municipal Employees (AFSCME), including approximately 125,000 home care providers, I am writing in support of the recent final rule issued by the U.S. Department of Labor (DOL) concerning the “companionship exemption” under the Fair Labor Standards Act (FLSA).

Home care providers are a lifeline to independence and dignity for the consumers to whom they provide support services. The work is physically demanding and intensely personal in nature, as workers often assist in dressing, toileting and feeding their consumers. The work requires an exceptional emotional connection and is a daily testament to our values of freedom and respect.

Home care workers make a real difference in someone’s quality of life every hour they work. It is real work and should be valued as such. Until the recent final DOL rule, the past regulations put home care workers on the same footing as casual babysitters. This status has kept home care workers and their families near poverty. Nearly one out of two home care workers are in households relying on public assistance, such as Medicaid and food stamps, to meet their basic needs.

We applaud President Obama and U.S. Secretary of Labor Perez for standing with home care workers and saying it’s time to be fair to those who care. The recent final rule will end a long-standing and grave injustice.

It is not time to turn back the clock and again broadly exempt this workforce and industry. 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 tom and quality of, these much-needed services.

The FLSA was enacted in 1938 to fight poverty by raising workers’ wages and stimulating economic growth. These goals remain as relevant and urgent today as they were back then. The modest amounts of additional pay these workers receive will be spent locally and help the economy grow.

The DOL final rule reflects the tens of thousands of public comments the agency received in overwhelming support of providing home care workers with federal wage and hour protections. The final rule moves this workforce and industry into the 21st century, but provides ample time for all stakeholders to prepare and plan for implementation. The final rule also deals with the unique situation of family members who are paid home care providers in a sensible and balanced manner.

We strongly oppose efforts to delay or derail the implementation of this final rule. Providing minimum wage and overtime protections for most home care workers is very important, but it is but one component to stabilizing this workforce and addressing the needs of our aging population. We strongly support increasing resources to expand in-home supports and services. Our nation faces many challenges to allow consumers to live with dignity, respect and independence, but the solution to providing these needed services can never be to deny paid caregivers the basic federal minimum wage and overtime protections.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles M. Loveless".

Charles M. Loveless
Director of Federal Government Affairs

CML/LB:rf