

PROPOSED WAGE REGULATIONS FOR HOME CARE WORKERS

The Department of Labor published a **Notice of Proposed Rulemaking** in late December aimed at giving the nation's nearly two million home care workers minimum wage and overtime protections. These workers have long been working under an exemption from the Fair Labor Standards Act (FLSA) as "companion" employees.

The proposed rule will revise the companionship and live-in worker regulations under the FLSA to more clearly define the tasks that may be performed by an exempt companion, and to limit the companionship exemption to companions employed only by the family or household using the services.

Further, the proposed rule would not allow third party employers, such as in-home care staffing agencies, to claim the companionship exemption or the overtime exemption for live-in domestic workers. This would be effective even if the employee is jointly employed by the third party and the family or household.

Interested parties are invited to submit written comments on the proposed rule on or before February 27, 2012

Should you have any questions, please contact:

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