

Congress of the United States
Washington, DC 20515

May 18, 2009

The Honorable Hilda Solis
Secretary
Frances Perkins Building
United States Department of Labor
200 Constitution Ave. NW
Washington, DC 20210

Re: Eliminating the Fair Labor Standards Act "Companionship" Exemption for Home Care Workers

Dear Secretary Solis:

Please allow us to congratulate you on your nomination and confirmation as Secretary of Labor. We write today with regard to home care workers, who are denied minimum wage and home care protection under the Fair Labor Standards Act (FLSA).


Rights earned decades ago by other similar workers continue to be denied to these hardworking employees on the front lines of health care provision. In 1975, after Congress had revised the FLSA to include previously excluded domestic service workers, the Department of Labor issued rules that exempted home care aides from federal overtime and minimum wage protections. The Clinton Administration's Department of Labor issued proposed rules to correct this injustice, but the Bush Administration withdrew those proposals.

Rapidly growing demand for home and community based care for elders and people with disabilities has made home care work one of the few high-growth occupations where a college education is not required. Unfortunately, it also suffers from one of the highest turnover rates. There were more than 1.5 million home care aides as of 2006, and by 2016 there is a projected need for another three-quarters of a million. But if labor conditions are not improved, the demand for more workers may prove difficult to meet, quality of care may decline, and those within the industry will find themselves less and less able to meet basic living expenses for themselves and their families.

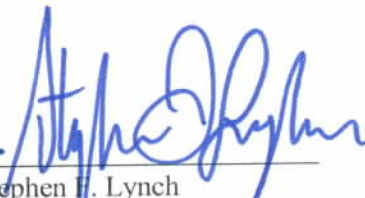
The U.S. Supreme Court has affirmed the authority of the U.S. Department of Labor to issue rules that determine the scope of the "companionship" exemption (*Long Island Care at Home, Ltd. v. Coke*, 551 U.S. 158 (2007)). We ask that you exercise your authority to issue new rules that give home care workers employed by home care agencies the rights already enjoyed by every other worker in long-term care.

As you take on your new role as Secretary of Labor, we look forward to working with you to better the lives of workers and their families. Congratulations again, and thank you for your attention to this important matter facing home care workers. Should your staff need any further information, please do not hesitate to contact Celeste Drake in the office of Rep. Linda Sánchez at 202-225-6676.

Sincerely,

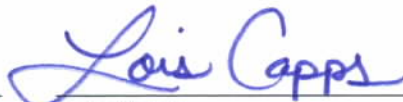

Linda T. Sánchez
Member of Congress


Michael Michaud
Member of Congress

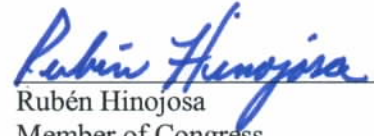

Stephen J. Lynch
Member of Congress



Joe Baca
Member of Congress



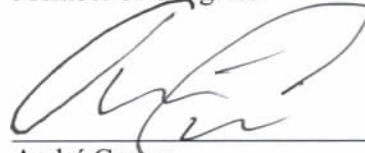
Lois Capps
Member of Congress



Rubén Hinojosa
Member of Congress



Corrine Brown
Member of Congress



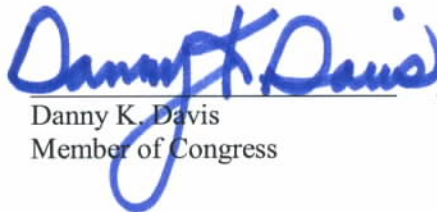
André Carson
Member of Congress



Mike Honda
Member of Congress



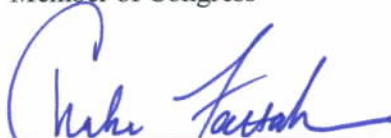
William Delahunt
Member of Congress



Danny K. Davis
Member of Congress



Marcy Kaptur
Member of Congress



Chaka Fattah
Member of Congress



Phil Hare
Member of Congress



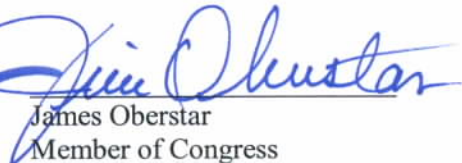
Jim Langevin
Member of Congress



Bob Filner
Member of Congress



Alcee Hastings
Member of Congress



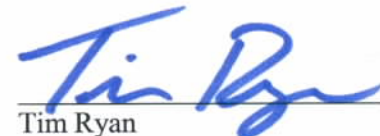
James Oberstar
Member of Congress



Chellie Pingree
Member of Congress



Bobby Rush
Member of Congress



Tim Ryan
Member of Congress



Diane E. Watson
Member of Congress



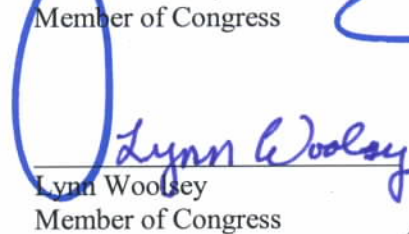
Jan Schakowsky
Member of Congress



Gregorio Kilili Sablan
Member of Congress



Charlie Wilson
Member of Congress



Lynn Woolsey
Member of Congress



Donna M. Christensen
Member of Congress

Eddie Bernice Johnson

Eddie Bernice Johnson
Member of Congress

Raúl Grijalva

Raúl Grijalva
Member of Congress

Mike Thompson

Mike Thompson
Member of Congress

John Lewis

John Lewis
Member of Congress

Betty Sutton

Betty Sutton
Member of Congress

Sam Farr

Sam Farr
Member of Congress

Martin Heinrich

Martin Heinrich
Member of Congress

George Miller

Louie Gohmert

Chris Van Hollen

Home Care Workers Signatories

Member

1	Sanchez, Linda T.
2	Michaud, Michael
3	Lynch, Stephen
4	Baca, Joe
5	Brown, Corrine
6	Capps, Lois
7	Carson, Andre
8	Christensen, Donna M.
9	Davis, Danny K.
10	Delahunt, William
11	Farr, Sam
12	Fattah, Chaka
13	Filner, Bob
14	Grijalva, Raul
15	Hare, Phil
16	Hastings, Alcee
17	Heinrich, Martin
18	Hinojosa, Ruben
19	Honda, Mike
20	Johnson, Eddie Bernice
21	Kaptur, Marcy
22	Langevin, Jim
23	Lewis, John
24	Miller, George
25	Oberstar, James
26	Pingree, Chellie
27	Rodriguez, Ciro
28	Roybal-Allard, Lucille
29	Rush, Bobby
30	Ryan, Tim
31	Sablan, Gregorio Kilili
32	Schakowsky, Jan
33	Sutton, Betty
34	Thompson, Mike
35	Watson, Diane
36	Wilson, Charlie
37	Woolsey, Lynn