



Hilda Solis, Secretary
United States Department of Labor
200 Constitution Ave. NW
Washington, DC
(202) 693-6000

February 27, 2009

Subject: Fair Labor Standards Act (FLSA) wages and overtime protections for home care workers

Dear Secretary Solis,

Congratulations on your appointment as Secretary of Labor! We are thrilled that the U.S. Department of Labor is now headed by one who has a long history of caring about the plight of low-wage workers.

We are writing to ask you to correct an injustice that denies home care workers minimum wage and home care protections under the Fair Labor Standards Act (FLSA). This situation can be corrected by issuing revised Department of Labor regulations.

The Direct Care Alliance is a national and state-based alliance of direct-care workers, employers, and people who use long-term care services. We are united to build an ample, well-trained and professional direct care workforce to deliver high-quality services, ensuring lives of dignity, respect, autonomy, and opportunity for older Americans and those living with disabilities.

In 1975 Congress revised the FLSA to include previously excluded domestic service workers, but home care aides were defined as “companions” and their employers were exempted from federal standards governing overtime and minimum wage protections. Approximately 1.5 million home care workers currently provide care and support for elders and people with disabilities. The second fastest-growing employment sector in health care and one of few high-growth occupations that does not require a college education, home care aide work cries out for sound and fair employment policies.

The Clinton administration’s Department of Labor issued rules to correct the FLSA revision, but the Bush administration reversed Clinton’s ruling.

In 2007, in the case of *Evelyn Coke vs. Long Island Care at Home, Ltd.*, the U.S. Supreme Court issued a ruling affirming your department’s authority to issue rules that determine the scope of the “companionship” exemption. We ask that you exercise your authority to issue new rules that give home care workers the rights that every other worker in health and long-term already enjoys.

We also request an opportunity to meet with you and your staff to further discuss this issue, and other opportunities to improve the labor market in the health and long-term care sector by providing incentives and policies that support high-growth jobs for the direct care workforce. We believe that the direct care workforce employed in long-term care and health care can be crucial to the nation's economic renewal, and to achieving President Obama's goal of increasing the number of hard working Americans who enter the middle class.

Please contact Leonila Vega at 212-730-0741 or lvega@directcarealliance.org. We look forward to your response.



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