



December 16, 2011

WHITE HOUSE ANNOUNCES PROPOSED RULE TO REVISE COMPANIONSHIP AND LIVE-IN WORKER FLSA REGULATIONS

On December 15, 2011, the White House announced that the U.S. Department of Labor ("DOL") will be proposing changes to the current regulations covering the domestic service exemption to the Fair Labor Standards Act's minimum wage and overtime requirements (29 U.S.C. §§213(a)(15) and 213 (b)(21)). If put into effect, the changes will likely affect employers in the home healthcare industry or any other entity that provides employees to assist with the care of others by potentially eliminating the minimum wage and overtime exemption for which some of those entities qualify. The DOL is proposing to:

1. Revise the definitions of "domestic service employment" and "companionship services" in part to include additional titles and more clearly define the tasks that are performed by exempt companions;
2. Clarify the type of activities and duties that may be considered "incidental" to the provision of companionship services;
3. Amend the record keeping requirements for live-in domestic workers;
4. Limit the companion exemption to companions hired directly by individuals, families, and households, while denying its use by third party employers that provide such employees or staffers.

The DOL expects that by instituting its proposed changes, the FLSA will provide coverage to an additional two million workers. The DOL is taking public comments to assess the impact these changes may have on those affected. For the complete analysis of proposed changes, as published by the DOL, [click here](#).

If you have any questions concerning this topic, please contact the member of our GrayRobinson [Employment & Labor](#) law team with whom you work.