

Newsletter HR Update

September 2013

Minimum wage, overtime protections extended to direct care workers by US Labor Department

The U.S. Department of Labor announced a final rule this week extending the Fair Labor Standards Act's minimum wage and overtime protections to most of the nation's workers who provide essential home care assistance to elderly people and people with illnesses, injuries or disabilities. This change will result in nearly two million direct care workers — such as home health aides, personal care aides and certified nursing assistants — receiving the same basic protections already provided to most U.S. workers. It will also help guarantee that those who rely on the assistance of direct care workers have access to consistent and high-quality care from a stable and increasingly professional workforce.

The final rule also clarifies that direct care workers who perform medically-related services for which training is typically a prerequisite are not companionship workers and therefore are entitled to the minimum wage and overtime. Individual workers who are employed only by the person receiving services or that person's family or household and engaged primarily in fellowship and protection (providing company, visiting or engaging in hobbies) and care incidental to such activities, will still be considered exempt from the FLSA's minimum wage and overtime protections.

The rule will be effective Jan. 1, 2015.

For more details, please do not hesitate to call PMP.



Alan B. Pearl
Chief Operating Officer
Portnoy, Messinger, Pearl & Associates, Inc.
Syosset, NY 11791
Phone: 516-921-3400 Fax: 516-921-6774
E-mail: abpearl@pmphr.com
Website: www.pmphr.com