

United States Senate

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October 19, 2011

The Honorable Hilda Solis
Secretary
Department of Labor
200 Constitution Avenue NW
Washington, DC 20210

The Honorable Jacob Lew
Director
Office of Management and Budget
Executive Office of the President
Washington, DC 20210

Dear Secretary Solis and Director Lew,

I'm writing to commend the Department of Labor's efforts to prepare a notice of proposed rulemaking on the Fair Labor Standards Act's "companionship exemption" and its application to home care workers.

Home care workers provide critical services to millions of the United States' seniors and persons with disabilities. They ensure that these individuals can maintain independence and continue to live in their homes. Despite our aging population's increasing demand for direct care services, these jobs are generally low-paying and provide few or no benefits. On average, home health aides and personal care attendants in Minnesota make less than \$11 per hour. Especially considering that these workers are frequently female heads of household, these low wages are hardly sufficient to support a family.

I urge the Department of Labor to use its authority to ensure that federal wage and hour laws apply to home care workers. Current regulations are outdated—particularly the "companionship exemption," which was intended to apply to occasional services provided by friends and neighbors. Today's professional home care workers clearly fall outside this category, especially when employed by a home care agency. The overbroad application of this exemption is effectively depressing the wages of these workers.

I look forward to the Department of Labor's completion of this proposed regulation. Updating the regulation will help to strengthen the home care workforce so that it can meet our economy's growing needs.

Sincerely,



Al Franken
United States Senator