

March 6, 2012

The Honorable Tim Walberg
Chairman, Workforce Protections Subcommittee
House Education and the Workforce Committee
U.S. House of Representatives
Washington, DC 20515

The Honorable Lynn Woolsey
Ranking Member, Workforce Protections Subcommittee
House Education and the Workforce Committee
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Walberg and Ranking Member Woolsey:

As organizations dedicated to protecting and advancing progress for women and their families, the undersigned write in strong support of the rule proposed by the Department of Labor (DOL) to amend the Fair Labor Standards Act (FLSA) regulations to extend basic labor protections to nearly 1.8 million low-wage home care workers. This proposed rule (RIN 1232-AA05) will ensure that these workers are finally entitled to minimum wage and overtime premium pay, correcting a longstanding injustice and advancing economic security and fair pay for women, especially women of color. We oppose any delay in implementing these long-overdue regulations.

About nine out of ten workers in the rapidly growing home care industry are women, disproportionately women of color. Many of these women are primary income earners for their families who struggle to survive on median annual wages of less than \$21,000 for full-time work, below the Federal Poverty Guideline for a family of four. Home care workers provide a lifeline for the elderly and people with disabilities – yet for decades, their stressful and physically demanding jobs have come without the basic protections of the federal minimum wage and overtime laws. Extending the protections of the FLSA to a field heavily dominated by women will help these women lift their families out of poverty and reduce ongoing pay disparities between women and men.

The proposed rule also better reflects the intent of Congress when it passed the 1974 FLSA amendments to expand coverage for domestic service employees. The goal was to provide fair treatment for the low-income women and minorities who comprised the majority of workers in the field, exempting only casual companions, and not professional caregivers, from the protections of the FLSA. Since 1974, home care has grown into a major industry; with thousands of third party agencies now employing roughly 70 percent of workers in the industry, the proposed rule's extension of FLSA protections to home care workers employed by third parties is vitally important.

While cost considerations would not justify the continued denial of legal rights to home care workers, we note that the cost of extending FLSA protections to home care workers is manageable. Twenty-one states already require minimum wage and/or overtime pay for most

home health workers who would otherwise be excluded under current regulations. The national cost of the proposed change is estimated to amount to less than one-tenth of one percent of the home care industry's \$84 billion in annual revenue.

Moreover, providing wage and hour protections to home care workers will have benefits for the industry and consumers as well as for the workers themselves. The turnover rate in the home care field is estimated to be between 44 and 65 percent each year, mainly due to low wages, insufficient hours, and lack of reimbursement for travel costs. High turnover disrupts continuity and quality of care for customers and places great financial burdens on agencies and state and federal governments. By increasing wages, encouraging more even distribution of work hours, and requiring reimbursement for travel costs, the proposed rule will reduce turnover and promote better outcomes for both home care workers and the individuals and families they serve.

DOL's proposed rule will finally extend basic legal protections to home care workers who for too long have been underpaid and undervalued. The proposed regulations should be finalized and implemented without delay.

Sincerely,

9to5, National Association of Working Women
American Association of University Women (AAUW)
American Medical Women's Association
American Civil Liberties Union
Annie Appleseed Project
Black Women's Health Imperative
Catalyst
Center of Concern
Clearinghouse on Women's Issues
Coalition of Labor Union Women
Equal Rights Advocates
Feminist Majority
Florida Federation of Business and Professional Women's Club, Inc.
Legal Momentum
MomsRising.org
National Congress of Black Women
National Council of Jewish Women
National Council of Women's Organizations
National Organization for Women
National Partnership for Women & Families
National Women's Law Center
Older Women's League
Sisters of Mercy Institute Justice Team
Turning Anger into Change
U.S. Women's Chamber of Commerce
Veteran Feminists of America
Wider Opportunities for Women
Women Employed
YWCA USA