

Department of Labor Finalizes Rule to Give Minimum Wage to Home Health Workers

Under a much-used rule exempting service workers who work in the homes of the elderly or disabled, many home health care workers have in the past not been receiving minimum wage under contractual arrangements paid for by government funds. Instead they worked by the job.

Starting in January 2015, those workers will now be required to be paid minimum wage and given overtime protection. The rules extend to home care agencies and other third parties who provide workers to give direct in-home care under the “companionship” exemption that classified them similar to babysitters. In-home workers who provide medical services that require training, even if they are hired directly by the family, will be subject to minimum wage and overtime provisions also.

The group of employees who will be covered by the FLSA minimum wage and overtime rules include home health aides, personal care aides, and certified nursing assistants that provide home care assistance to people with injuries, disabilities and illnesses and the elderly. The DOL says that ninety percent of these workers are women and nearly fifty percent are minorities.

What This Means to Counties

To review the new requirements, go to www.dol.gov/whd/homecare. Planning for the 2015 budget changes can begin in 2014.