

The Honorable Thomas E. Perez
Secretary
United States Department of Labor
200 Constitution Ave., NW
Washington, DC 20210

September 29, 2014

Dear Secretary Perez,

During your tenure at the Department of Labor, both you and the President have made clear your commitment to ensuring that all working Americans get paid enough to make ends meet and have the opportunity to get ahead. Importantly, you have championed raising the minimum wage and revising outdated overtime rules. We write to you today to urge you to remain steadfast in your commitment to implementing the new rule extending federal minimum wage and overtime protections to home care workers in January 2015, as announced a year ago. We were alarmed by recent remarks by Department of Labor officials suggesting that the Department may delay implementation of the rule, which we fear would put this historic workplace victory in jeopardy.

The basic rights of two million home care workers—predominantly women and disproportionately women of color—once again hang in the balance, as the administration appears at risk of faltering in the face of opposition from some industry and Medicaid officials who continue to claim they are not prepared for the reforms, despite having benefited from a twice-extended notice and comment period and an unusually long 15-month phase-in period.

If the Department of Labor yields to these unreasonable demands:

- Two million workers will continue to be shut out of the most basic federal wage protections, which nearly every other worker in the nation is able to take for granted.
- Workers in 29 states will continue to have no minimum wage or overtime rights at all.
- Workers in five states will miss out on a scheduled state minimum wage increase.

The continued lack of Fair Labor Standards Act protections for home care workers would perpetuate wage stagnation in a workforce where, already, more than one in two workers must rely on some form of public assistance to make ends meet. Furthermore, the exclusion of this workforce from these fundamental protections contributes to higher turnover and worker shortages at a time when demand for home care workers' essential services is skyrocketing.

The value of the critical supports and services that home care workers provide to our nation's older adults and people with disabilities is undeniable, and yet it is this group that stands uniquely *completely outside federal wage protections*.

Despite opponents' claims that the reform is unmanageable, California and New York, which have the nation's two largest Medicaid home care programs (accounting for almost half of the nation's home care workforce), have taken the necessary steps to implement the rules change. Other states have also begun tracking workers' weekly hours and are gearing up to pay workers for all of their work time, as the rules change requires. These changes will not only help workers get a fair day's pay for a fair day's work but will also ensure higher-quality, dependable services for Medicaid recipients.

The states that continue to actively resist the reform, on the other hand, would rather deny basic justice to their hard-working residents than put their efforts towards finding a solution. Some have even openly admitted to ignoring the rule over the past year. A delay would reward this intransigence. And it would

exacerbate regional discrepancies in worker pay, ensuring that poor working women of color remain poor in the states where they need the wage increase the most.

Home care workers have been unjustly excluded from protection since 1974, when the Department of Labor issued overly broad rules that shut them out from federal wage and hour laws. Since then, they've seen their hopes for progress dashed repeatedly. The women who devote their working lives to caring for others can ill afford to be denied their civil rights again. It is time to implement these much-needed and long-delayed protections.

Sincerely,

9to5, National Association of Working Women

A. Philip Randolph Institute

American Academy of Nursing

American Assisted Living Nurses Association

American Association of Long Term Care Nursing

American Association of Nurse Assessment Coordination

American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)

American Federation of Teachers

American Geriatrics Society

American Psychological Association

Bricklayers Amalgamated Union

Center for Community Change Action

Center for Elder Care and Advanced Illness

Coalition on Human Needs

Communications Workers of America

Employment Justice Center

Demos

Family Forward Oregon

Family Values @ Work

Gerontological Advanced Practice Nurses Association

Hartford Institute for Geriatric Nursing

Interfaith Worker Justice

International Union of Bricklayers & Allied Craftworkers

Jobs with Justice/ American Rights at Work

Labor Project for Working Families

Maine Women's Lobby

MomsRising

National Asian Pacific Center on Aging

National Association of Directors of Nursing Administration in Long Term Care

National Association of Gerontological Nurses

National Consumers League

National Consumer Voice for Quality Long-Term Care

National Council of La Raza

National Domestic Workers Alliance

National Domestic Workers Alliance—Atlanta Chapter

National Employment Law Project

National Partnership for Women & Families

National Women's Law Center

New Jersey Citizen Action

New Jersey Time to Care Coalition

North Carolina Justice Center

PHI—Quality Care through Quality Jobs

Pilipino Workers Center

Polaris

Restaurant Opportunities Centers United

SEIU—United Long Term Care Workers

Senior Service America, Inc.

United Food & Commercial Workers International Union

Wider Opportunities for Women

Women Employed

Working America