

110TH CONGRESS
1ST SESSION

S. 2061

To amend the Fair Labor Standards Act of 1938 to exempt certain home health workers from the provisions of such Act.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 18, 2007

Mr. HARKIN (for himself, Mr. KENNEDY, Mrs. MURRAY, Mr. DODD, Mrs. CLINTON, Mr. OBAMA, Mrs. BOXER, Mr. SCHUMER, Ms. CANTWELL, and Mr. CASEY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Fair Labor Standards Act of 1938 to exempt certain home health workers from the provisions of such Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fair Home Health
5 Care Act of 2007”.

1 **SEC. 2. AMENDMENTS TO THE FAIR LABOR STANDARDS**
2 **ACT OF 1938.**

3 (a) HOME HEALTH WORKERS.—Section 213(a)(15)
4 of the Fair Labor Standards Act of 1938 (29 U.S.C.
5 213(a)(15)) is amended to read as follows:

6 “(15) any employee employed on a casual basis
7 in domestic service employment to provide baby-
8 sitting services or any employee employed on a cas-
9 ual basis in domestic service employment to provide
10 companionship services for individuals who (because
11 of age or infirmity) are unable to care for themselves
12 (as such terms are defined and delimited by regula-
13 tions of the Secretary);”.

14 (b) DEFINITION.—Section 3 of the Fair Labor
15 Standards Act of 1938 (29 U.S.C. 203) is amended by
16 adding at the end the following:

17 “(z) ‘Casual basis’ means employment which is irreg-
18 ular or intermittent, and which is not performed by an
19 individual whose vocation is the provision of babysitting
20 or companionship services or an individual employed by
21 an employer or agency other than the family or household
22 using their services. Employment is not on a casual basis,
23 whether performed for one or more family or household
24 employers, if such employment for all such employers ex-
25 ceeds 20 hours per week in the aggregate.”.