

110TH CONGRESS
1ST SESSION

H. R. 3582

To amend the Fair Labor Standards Act of 1938 to clarify the exemption
for home health care workers from certain provisions of that Act.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 19, 2007

Ms. WOOLSEY introduced the following bill; which was referred to the
Committee on Education and Labor

A BILL

To amend the Fair Labor Standards Act of 1938 to clarify
the exemption for home health care workers from certain
provisions of that 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”.

6 **SEC. 2. AMENDMENTS TO THE FAIR LABOR STANDARDS**

7 **ACT OF 1938.**

8 (a) HOME HEALTH WORKERS.—Section 13(a)(15) of
9 the Fair Labor Standards Act of 1938 (29 U.S.C.
10 213(a)(15)) is amended to read as follows:

1 “(15) any employee employed on a casual basis
2 in domestic service employment to provide baby-
3 sitting services or any employee employed on a cas-
4 ual basis in domestic service employment to provide
5 companionship services for individuals who (because
6 of age or infirmity) are unable to care for themselves
7 (as such terms are defined and delimited by regula-
8 tions of the Secretary), whose employment—

9 “(A) is irregular or intermittent, and is
10 not performed by an individual whose vocation
11 is the provision of babysitting or companionship
12 services or an individual employed by an em-
13 ployer or agency other than the family or
14 household using such services; and

15 “(B) does not exceed 20 hours per week in
16 the aggregate, whether performed for one or
17 more family or household employers.”.

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