

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.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 19, 2007

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

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## 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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