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Home care workers should not be exempt from minimum wage laws

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A bleak feature of this economy is that many of the jobs we are creating don't pay very well. Twenty-six million workers make less than \$10 per hour, and incomes in the average household fell 2.3 percent last year. In fact, the gulf in wages for the wealthy and the rest of America has been widening for decades.

There is one sector where the government can reverse the low-wage crisis now: home health care. There are 2.5 million home care aides in the country, and that's projected to grow an additional 800,000 by 2018. The problem is, these workers are excluded from the federal minimum wage and overtime protections most workers take for granted -- which undermines their work, their industry and the economy. It's time to change that.

The exclusion dates back to 1974, when Congress extended the Fair Labor Standards Act to domestic workers but carved out two narrow exemptions for casual babysitters and companions. The legislative history shows that Congress meant only to exempt companions who were more like "elder sitters," and who "are not regular breadwinners." But the U.S. Department of Labor issued rules so broadly that today nearly all home care workers are swept into the companionship exemption.

With people in the U.S. turning 65 every eight seconds, home care is one of our fastest-growing industries. Rising demand and responsibility for home care workers means their jobs are often their primary vocation. Millions of American families depend on this income, and millions more depend on these workers.

But the historical accident that excluded home care jobs from basic wage protections is now stressing workers and recipients. The average national wage of \$9.34 per hour for this demanding occupation means that one in five workers lives below the poverty line, according to PHI, an advocacy group for the direct care workforce. In 29 states, the average hourly wages are low enough to qualify workers for public assistance, which burdens already strapped states.

The good news is that the U.S. Department of Labor has plans to fix it. The department has indicated for almost two years that it intends to propose new rules — in fact, it was going to do so by October. The changes would institute a minimum wage and require overtime pay for any hours over 40 in a week. No new legislation from Congress is required.

Without these changes, the crisis in home care threatens us all. Over the next two decades, the U.S. population over age 65 will grow to more than 70 million. People are living longer, and the demand for caregiving is expected to grow significantly. An estimated 27 million Americans will need direct care by 2050, according to the Department of Health and Human Services. If recruitment and retention problems grow, labor shortages could prevent us from meeting the growing need.

The Obama administration should adhere to its plan and immediately issue the rules for public assessment. These are the caregivers who get our grandmothers out of bed in the morning and ensure that our disabled neighbors live as independently as possible. These are 2.5 million workers who are part of one of the fastest-growing U.S. industries and stand to be a vital source of consumer demand. With our economic and physical health on the line, we can't afford not to pay these workers a fair wage.

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