

BACK TO WHERE WE STARTED: FEDERAL COURT VACATES U.S. DEPARTMENT OF LABOR COMPANIONSHIP EXEMPTION RULE

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Judge Richard Leon of the U.S. District Court for the District of Columbia has just vacated a section of the U.S. Department of Labor's regulations that would have significantly limited the type of work that qualifies as "companionship services." As we reported, this section of the Final Rule would have restricted home care aides' provision of "care"-related services to 20 percent of their work time (per patient and per week) and prohibited them from performing any general household work (i.e., domestic services performed primarily for the benefit of other members of the household). So, as a result of Judge Leon's decision, the federal companionship exemption will remain available to home care providers on the same terms as it had prior to January 1, 2015 — at least for the time being. The Department of Labor is not expected to accept this decision or abandon its efforts to significantly limit the scope of the companionship exemption. We will continue to monitor developments and keep our readers updated.

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