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New Department of Labor rules will help home-care workers Despite legal challenge, time-keeping will help with fair pay

New Department of Labor rules will ensure fairer wages and hours for home-care workers, helping to stabilize the growing home-care industry and improve quality of care, a new Policy Matters Ohio report says.

The Labor Department also clarified rules applying to home-care workers under the Fair Labor Standards Act, which will improve time-keeping so these workers get paid for all hours worked.

“Most of us have the right to wage and hour protections under federal labor law,” said Wendy Patton, author of the brief and a senior project director at Policy Matters Ohio. “Extending the rules to home-care workers will protect and benefit the workers in one of the fastest-growing occupations in Ohio.”

The new rules to extend wage and hour protections to home-care workers were challenged by an employers’ lawsuit in January 2015. Parts of the new rules were struck down by a federal district court. The Department of Labor has appealed the decision.

Home-care workers, who provide care for people with disabilities, advanced age or illness, work in one of Ohio’s fastest growing occupations. The home-care industry is riddled with high turnover rates, workforce vacancies and related quality-of-care issues, largely because of low wages, part-time and unpredictable hours, and a lack of benefits. In an earlier report, [Low Wages, High Turnover in Ohio’s Home-Care Industry](#), Policy Matters Ohio recommended the state take steps to improve wages of the publicly funded home-care workforce, including promoting the right of home-care workers to bargain collectively. However, the state is headed in the other direction. The Kasich administration recently eliminated the right of home-care workers to bargain collectively for better wages and working conditions.

The new federal rules could help provide some workplace protections home-care workers need. Better working conditions and fair pay can help stabilize the churning home-care workforce, enhancing care for Ohio’s most vulnerable people.

“Home-care workers need the same wage and hour protections other American workers enjoy,” said Patton. “We look forward to a favorable outcome of the Department of Labor appeal.”

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*Policy Matters Ohio is a nonprofit, nonpartisan state policy research institute
with offices in Cleveland and Columbus.*