



EMPLOYMENT LAW UPDATES WEEK OF AUGUST 16-20

Possible Changes to FLSA’s “Companionship” Exemption

A proposed amendment to the federal Fair Labor Standards Act’s section 13 (a)(15) could bring changes for certain employees. If the amendment becomes law, exemption for certain “companionship” employees will essentially be eliminated. The FLSA’s minimum-wage and overtime requirements do not apply to “any employee employed in domestic service employment to provide companionship services for individuals who are unable to take care of themselves.” The term “companionship services” means providing care, fellowship, and protection to people who cannot care for themselves due either to advanced age or to physical or mental difficulties. The amended exemption would be available only if:

- The companionship employment is irregular or intermittent
- The work is not performed by someone whose vocation is to provide companionship services
- The worker is employed only by the family or household using the services
- The worker performs the services for no more than 20 hours per week in the aggregate, taking into consideration all of the work done for the family or household employers served

This would mean that most employees providing companionship services would no longer be exempt.

These alerts are intended to be informational and not to solve individual legal problems. Use of and access to this alert does not create an attorney-client relationship between Rajkowski Hansmeier Ltd. and the user. The opinions expressed at or through this alert are the opinions of the individual author and may not reflect the opinions of the firm or any individual attorney. If you have further questions about this information, please contact us for an attorney's opinion.