

Congress of the United States

Washington, DC 20515

August 28, 2025

The Honorable Lori Chavez-DeRemer
Secretary
U.S. Department of Labor
200 Constitution Avenue NW
Washington, D.C. 20210

Dear Secretary Chavez-DeRemer:

We write to oppose the Department of Labor's proposed rule to rescind federal minimum wage and overtime protections for in-home care workers, published on July 2, 2025.¹

Under the Fair Labor Standards Act (FLSA), most workers in the U.S. must be paid at least the federal minimum wage and overtime pay overtime for working more than 40 hours in a week.² Since a 2013 final rule, the Department has recognized that FLSA protections apply to home care workers, such as home health aides, personal care attendants, and certified nursing assistants working in homes.³

Moreover, we are alarmed by the issuance of FAB 2025-4, Home Care Enforcement Guidance on July 25, which directs field offices to stop enforcing the 2013 rule and immediately pause consideration of any open cases of rule violations. This decision weakens protections for home care workers even before comments have been received from relevant stakeholders, or any final decision is issued.

If this proposed rule moves forward, we will return to standards that were set in 1938 that purposefully excluded certain occupations from federal minimum wage and overtime protections. These occupations, including domestic work, were predominantly filled by women and people of color.⁴ In 1974, Congress amended FLSA to address this injustice and apply its protections to domestic workers; however, the Department's 1975 rule misinterpreted this amendment and continued to exclude home care workers from FLSA protections. The exclusion of home care workers from these basic labor protections was only secured through the Department's 2013 rule. Home care workers have only had federal minimum wage and overtime protections for 10 years. Rescinding these protections would allow third-party employers (such as home care agencies) to treat caregivers as exceptions under the law and avoid paying them overtime or minimum wage under certain conditions.

Rescinding home care workers' right to earn at least the federal minimum wage is unacceptable and outrageous, as it has not been raised since 2009.⁵ The federal minimum wage is currently \$7.25 per hour and wholly insufficient to help working Americans cover the current cost of living and stay out of poverty.⁶ In addition, losing the right to overtime pay could further hurt workers financially and lower morale. This will lead to more people leaving the home care field and make it harder to find new caregivers.

¹ <https://www.federalregister.gov/documents/2025/07/02/2025-12316/application-of-the-fair-labor-standards-act-to-domestic-service>

² 29 U.S.C. 206(a), 207(a)

³ 78 FR 60454

⁴ Perea, Juan F. 2011. "The Echoes of Slavery: Recognizing the Racist Origins of the Agricultural and Domestic Worker Exclusion from the National Labor Relations Act." *Ohio State Law Journal*, 72(1): 95- 138

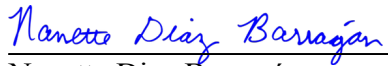
⁵ <https://www.dol.gov/agencies/whd/minimum-wage/history>

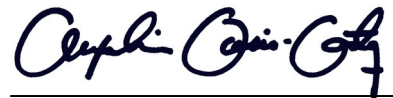
⁶ <https://www.americanprogress.org/article/the-minimum-wage-is-a-poverty-wage/>

This proposed rule will drive out the workforce at a time when there is already a shortage of care workers.⁷ Almost 1 in 6 home care workers live in poverty, leading to high turnover.⁸ On top of low wages, home care work is a physically and emotionally challenging job.⁹ A rule to rescind minimum wage and overtime protections will exacerbate economic inequalities as women, people of color, and immigrants make up a disproportionate share of our country's direct care workforce, including in-home care workers.¹⁰ Family caregivers, already stretched thin, will face even greater burdens as the shortage of professional care workers deepens, forcing them to fill the gaps at significant cost to their own financial stability, health, and well-being.¹¹

We demand the Department swiftly withdraw this proposed rule, resume enforcement of the 2013 rule while the rulemaking process is underway, and instead work to ensure better working conditions and a living wage for home care workers.

Sincerely,

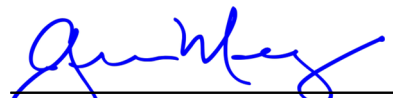

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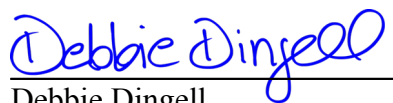

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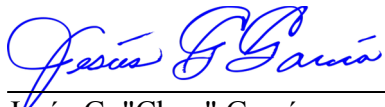
⁷ <https://www.ppic.org/publication/californias-care-workforce/>

⁸ <https://www.domesticworkers.org/programs-and-campaigns/developing-policy-solutions/transforming-care-work/>

⁹ *ibid*

¹⁰ <https://www.chcf.org/wp-content/uploads/2022/12/CaliforniaDirectCareWorkforce.pdf>

¹¹ [Together in Care_Issue Brief_June 2024](#)



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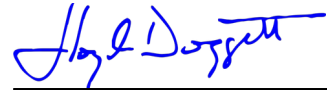
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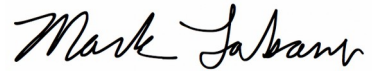
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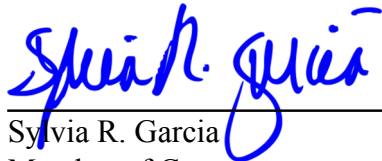
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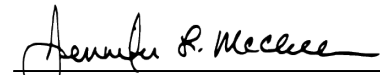
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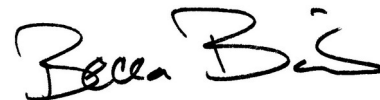
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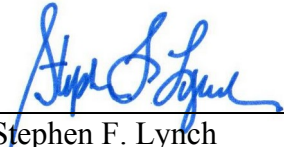
Jim Tokuda
Member of Congress



Yassamin Ansari
Member of Congress

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George Latimer
Member of Congress

A handwritten signature in blue ink, appearing to read "Stephen F. Lynch", written over a horizontal line.

Stephen F. Lynch
Member of Congress