



September 2, 2025

Division of Regulations, Legislation, and Interpretation
Wage and Hour Division
U.S. Department of Labor
Room S-3502
200 Constitution Avenue NW
Washington, DC 20210

Submitted electronically via [regulations.gov](https://www.regulations.gov):

Re: Proposed rule: 29 CFR Part 552 RIN 1235-AA51, Application of the Fair Labor Standards Act to Domestic Service; request for comments

The Moving Forward Nursing Home Quality Coalition (the Coalition) appreciates the opportunity to comment on the above-referenced Notice of Proposed Rulemaking and to reaffirm our commitment to supporting a well-prepared, empowered, and appropriately compensated long-term care workforce.

Founded in 2022, the Coalition is committed to improving nursing home quality by implementing recommendations from the National Academies of Sciences, Engineering, and Medicine's (NASEM) report, *The National Imperative to Improve Nursing Home Quality*.¹ The report underscores that nursing homes are part of a broader long-term care system, where changes to one segment affect others. Home care workers, for example, often have fluid workforce roles or hold multiple jobs to make ends meet. As it pertains to nursing homes, for example, nearly 7% or roughly 198,070 individuals who primarily work in home health settings also maintain second jobs within

¹ National Academies of Sciences, Engineering, and Medicine. (2022). *The National Imperative to Improve Nursing Home Quality*. <https://nap.nationalacademies.org/catalog/26526/the-national-imperative-to-improve-nursing-home-quality>

nursing homes.^{2,3}As experts in nursing home quality, we know that weakening labor protections and pay requirements for home care workers will exacerbate long-term care workforce shortages—potentially harming the 1.2 million people who live in nursing homes and 1.5 million people who work in them.⁴

We are writing to express concern about the unintended consequences of reinterpreting the “companionship services” exemption under the Fair Labor Standards Act (FLSA). Specifically, we are concerned that reducing wage and overtime protections for workers classified as providing companionship services or as “live-in” domestic workers will undermine long-term care quality and destabilize the workforce.

The proposed rule would broaden the FLSA exemption, allowing more employers to classify workers as exempt from wages and hour protections. This could result in longer work hours without additional pay and fewer requirements for accurate recordkeeping. In an already low-paid and undervalued sector, rolling back these protections would likely increase turnover and staffing shortages in home- and community-based care—making it even more difficult to ensure consistent, high-quality care across the long-term care continuum, including in nursing homes.⁵

Additionally, the proposed rule calls for reducing wage and overtime protections for companionship and live-in domestic workers which could further destabilize the long-term care workforce. It risks making home care less secure and less financially viable, undermining recruitment and retention efforts and worsening chronic staffing shortages. Rather than strengthening the pipeline of workers needed to deliver high-quality nursing home care, the rule would erode the very workforce infrastructure that the NASEM report identified as essential to improving quality care for nursing residents.

We urge the Department of Labor to preserve the 2013 rule's protections for home care workers and ensure that any federal long-term care workforce policy reflects the

² Baughman RA, Stanley B, Smith KE. Second Job Holding Among Direct Care Workers and Nurses: Implications for COVID-19 Transmission in Long-Term Care. *Medical Care Research and Review*. 2020;79(1):151-160. doi:10.1177/1077558720974129

³ PHI. Direct Care Workers in the United States: Key Facts. September 2024. Available at: https://www.phinational.org/wp-content/uploads/2024/09/PHI_Key_Facts_Report_2024.pdf.

⁴ Centers for Medicare & Medicaid Services. “Nursing Home Data.” CMS.gov, 2024, <https://data.cms.gov/>.

⁵ PHI. (2025, August 5). *PHI Statement on Department of Labor's Halt of Home Care Worker Protections*. <https://www.phinational.org/phi-statement-on-department-of-labors-halt-of-home-care-worker-protections/>



principles outlined in the NASEM report. A stable, fairly compensated, and well-supported workforce—across all settings—is essential to delivering high-quality nursing home care.

Sincerely,
Alice Bonner, Chair

The Moving Forward Nursing Home Quality Coalition

