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

Re: Comments on RIN 1235-AA51: Application of the Fair Labor Standards Act to Domestic Service

Dear Mr. Navarrete:

The American Geriatrics Society (AGS) is writing in opposition to the proposed rule, Application of the Fair Labor Standards Act to Domestic Service, by the Department of Labor (“Department” or “DOL”) that would exempt home care workers from minimum wage and overtime protections on the federal level. AGS is concerned that this rule, if finalized, will return to an interpretation of the Fair Labor Standards Act 1975 regulation that essentially stripped home care workers of minimum wage and overtime protections.

The AGS is a not-for-profit society devoted to improving the health, independence and quality of life of all older adults. Our 6,000+ members include geriatricians, geriatrics nurse practitioners, social workers, family practitioners, physician associates, pharmacists, and internists who are pioneers in serious illness care for older individuals, with a focus on championing interprofessional teams, eliciting personal care goals, and treating older people as whole persons. AGS believes in a just society, one where we all are supported by and able to contribute to communities where bias and discrimination no longer impact healthcare access, quality, and outcomes for older adults and their caregivers. AGS advocates for policies and programs that support the health, independence, and quality of life of all of us as we age.

In 2013, the Department of Labor extended federal minimum wage and overtime protections under the Fair Labor Standards Act to home care workers. For more than 10 years, this change, now at risk of being reversed, has helped ensure that these frontline health workers receive fair compensation for the services they provide and are treated with the dignity and respect they deserve.

Over the past decade, the direct care workforce has grown from 3.5 million workers in 2014 to just over 5 million in 2023.<sup>1</sup> Direct care workers, including home care workers that provide care in a person's private home, are essential members of the geriatrics health care team providing the bulk of hands-on care to older adults and ensuring that all older adults, especially those with multiple and/or complex health conditions, receive high-quality well-coordinated care. Additionally, direct care workers often serve as a lifeline during public health crises as seen during the COVID-19 pandemic.

The AGS believes that direct care workers should be protected by federal wage and overtime protections under the Fair Labor Standards Act. Low wages and high rates of part-time work make it difficult for many direct care workers to support themselves and their families. The median annual salary for direct care workers is \$25,015. Thirty-seven percent of this workforce, comprised of mainly women, people of color, and immigrants, live in low-income households and 49 percent rely on public assistance, such as Medicaid.<sup>2</sup>

Direct care workers are vital to supporting older adults and people with disabilities and their caregivers at home, in assisted living, and in acute, post-acute, and long-term care. They are on the frontlines, providing physically and emotionally demanding hands-on care to millions of older Americans. A stable and skilled direct care workforce is essential to providing quality care for millions of older Americans.

Federal minimum wage and overtime protections for direct care workers will ensure that this workforce receives the same basic protections provided to most of the U.S. workforce while addressing the need for a workforce that can provide high-quality hands-on care for older Americans and those with disabilities. We urge you to not finalize this rule and maintain these basic protections for direct care workers that have been in place for over 13 years.

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The AGS appreciates the opportunity to provide the above comments. We would be pleased to answer any questions you may have. Please contact Alanna Goldstein, [agoldstein@americangeriatrics.org](mailto:agoldstein@americangeriatrics.org).

Sincerely,



Nancy E. Lundebjerg, MPA  
Chief Executive Officer

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<sup>1</sup> PHI, *Direct Care Workers in the United States: Key Facts 2024* (2024), <https://www.phinational.org/resource/direct-care-workers-in-the-united-states-key-facts-2024/>

<sup>2</sup> Ibid