

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

Re: RIN 1235-AA51

Dear Madam or Sir:

Thank you for the opportunity to comment on [proposed changes](#) to 29 CFR Part 552, “*Application of the Fair Labor Standards Act to Domestic Service*,” Regulatory Information Number (RIN) 1235-AA51.

We are health economists and national experts in long-term care who conduct research on long-term care quality and the direct care workforce. Our research was cited in the proposed rule but misrepresented, and we would like to clarify the actual findings of our research.

In addition, we wish to highlight existing evidence on the relationship between minimum wages and employment in this sector, which suggests that amending [29 CFR part 552](#) to exempt home care employees from Fair Labor Standards Act (FLSA) minimum wage and overtime protections is likely to increase worker turnover, reduce retention, and worsen quality of long-term care.

1. The preamble of the rule mischaracterizes our research; our research shows that the home care workforce is growing in absolute terms.

We strongly oppose the mischaracterization of our research on the home care workforce, which is cited twice in the preamble. The preamble incorrectly suggests that our research contradicts the Department's prediction that the 2013 rule would attract more workers to the home care industry.

In fact, our research demonstrates substantial workforce *growth* between 2013 and 2019: the home care industry added 200,000 new workers during this period, representing an average increase of 33,000 workers in each year. The trends in home health workforce growth that we demonstrate do not contradict the Department's original prediction that the rule would attract additional workers to the industry.

While our research shows that the *absolute* size of the home care workforce has grown substantially, we do find that this workforce has declined *relative* to the number of people receiving home-based care through home and community-based services (HCBS). This increase in HCBS care recipients reflects multiple factors, including the United States' rapidly aging population and increasing support for aging in place. Importantly, this *relative* decline in the home care workforce began in 2013, predating the October 2015 implementation of the original FLSA extension, and was driven largely by an increase in the number of HCBS recipients. Therefore, our research cannot be used as evidence of a decline in the home care workforce growth after the FLSA extension was implemented.

2. Removing minimum wage and overtime protections will not increase the supply of qualified home care workers; instead, evidence shows that higher wages are linked to lower employee turnover and higher quality care. (§ 552.3, § 552.6, § 552.101, § 552.102, § 552.109, § 552.110)

In the proposed rule, the Department seeks to strip FLSA protections from home care employees by revising sections 552.3, 552.6, 552.101, 552.102, 552.109, and 552.110, such that they return to the 1975 FLSA regulations. We disagree with the assertion that rescinding the 2013 rule will increase the supply of qualified home health workers. It is not accurate to state, as the proposed rule does, that our research and existing literature “call into question whether the benefits of the 2013 rule truly exceeded its costs.”

Raising the minimum wage has been shown to increase worker retention and reduce resident mortality in the nursing home sector (which employs similar workers to the home care sector) without reducing employment.¹ In addition, a county-level analysis of the effects of minimum wage policies on home health aide wages and employment from 2012 to 2018 found that “both state [minimum wage] increases and the FLSA extension were associated with higher wages among ... newly hired home health aides” and that “the FLSA extension was associated with higher employment of home health aides in less-competitive markets.”² Finally, prior research has shown that low wages are associated with higher home care workforce turnover, affirming the importance of competitive wages and other benefits in retaining the workforce.³

Thank you again for the opportunity to submit these comments.

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Views expressed by the researchers are their own and do not necessarily represent those of the University of Pennsylvania Health System (Penn Medicine), the University of Pennsylvania, or the University of Pittsburgh.

¹Krista Ruffini, “Worker Earnings, Service Quality, and Firm Profitability: Evidence from Nursing Homes and Minimum Wage Reforms,” *The Review of Economics and Statistics* 106, no. 6 (2024): 1477-1494, https://doi.org/10.1162/rest_a_01271.

²Di Yan et al., “Did Minimum Wage Policy Changes Impact Home Health Workforce?” *Home Health Care Management & Practice* 35, no. 3 (2023): 206-212, <https://doi.org/10.1177/10848223221140502>.

³Geoffrey M. Gusoff et al., “Perceived Contributors to Job Quality and Retention at Home Care Cooperatives,” *Jama Network Open* 8, no. 4 (2025): e254457, <https://doi.org/10.1001/jamanetworkopen.2025.4457>.