

Chart for Comparing Pending Supportive Bills Concerning FLSA's  
Companionship Exemption and Live-in Domestic Worker Exemption

<b>FLSA Provision</b>	<b>Current Law</b>	<b>H.R. 3066</b>	<b>H.R. 5969</b>	<b>S. 3280</b>
<p>Companionship Exemption From Overtime and Minimum Wage</p> <p><b>FLSA's overtime and minimum-wage requirements shall not apply with respect to...</b></p>	<p>Any employee employed in domestic service employment to provide companionship services for individuals who (because of age or infirmity) are unable to care for themselves (as such terms are defined and delimited by regulations of the Secretary)....</p> <p><i>For these purposes, the term companionship services mean:</i></p> <p>Those services which provide fellowship, care, and protection for a person who, because of advanced age or physical or mental infirmity, cannot care for his or her own needs. Such services may include</p>	<p>Any employee employed in domestic service employment to provide companionship services (including third party non-medical in-home care such as companionship, light housekeeping, meal preparation, errands, assistance to appointments, laundry, medication reminders, bathing, and assistance with incontinence and grooming) for individuals who (because of age or infirmity) are unable to care for themselves.</p>	<p>Any employee employed in domestic service employment to provide companionship services (including through third-party employment) for individuals who (because of age or infirmity) are unable to care for themselves.</p> <p>“(z)(1) Except as provided in paragraph (2), ‘companionship services’ as used in section 13(a)(15), means those services which provide fellowship, care, and protection for individuals who, because of advanced age or physical or mental infirmity, are unable to care for themselves, including but not limited to, non-medical in-home personal care or household work related to the care of the aged or infirm individuals (such as meal preparation, bed making, washing of clothes, errands, assistance to appointments, laundry, medication reminders, bathing, assistance with incontinence and grooming, and other similar services). Such term may also include the performance of general household work, provided that such work is incidental.</p>	<p>Any employee employed in domestic service employment to provide companionship services (including through third-party employment) for individuals who (because of age or infirmity) are unable to care for themselves.</p> <p>“(z)(1) Except as provided in paragraph (2), ‘companionship services’ as used in section 13(a)(15), means those services which provide fellowship, care, and protection for individuals who, because of advanced age or physical or mental infirmity, are unable to care for themselves, including but not limited to, non-medical in-home care or household work related to the care of the aged or infirm individuals (such as meal preparation, bed making, washing of clothes, errands, assistance to appointments, laundry, medication reminders, bathing, assistance with incontinence and grooming, and other similar services). Such term may also include the performance of general household work.</p>

	<p>household work related to the care of the aged or infirm person such as meal preparation, bed making, washing of clothes, and other similar services. They may also include the performance of general household work: Provided, however, That such work is incidental, i.e., does not exceed 20 percent of the total weekly hours worked. The term "companionship services" does not include services relating to the care and protection of the aged or infirm, which require and are performed by trained personnel, such as a registered or practical nurse. While such trained personnel do not qualify as companions, this fact does not remove them from</p>		<p>“(2) ‘Companionship services’ shall not include services relating to the care and protection of the aged or infirm which require and are performed by trained medical personnel, such as a registered or practical nurse.</p> <p>“(aa) ‘Domestic service employment’ as used in section 13(a)(15), means services of a household nature performed by an employee in or about a private home (permanent or temporary), including but not limited to, employees such as cooks, waiters, butlers, valets, maids, housekeepers, nannies, nurses, janitors, laundresses, caretakers, handymen, gardeners, home care aides, home health aides, personal care aides, chauffeurs of automobiles for family use, and babysitters employed on other than a casual basis.</p> <p>“(bb) ‘Third-party employment’ as used in section 13(a)(15), means employees who are engaged in providing companionship services and who are employed by an employer or agency other than the family or household using their services, whether or not such an employee is assigned to more than one household or family in the same</p>	<p>“(2) ‘Companionship services’ shall not include services relating to the care and protection of the aged or infirm which require and are performed by trained medical personnel, such as a registered or practical nurse.</p> <p>“(aa) ‘Domestic service employment’ as used in section 13(a)(15), means services of a household nature performed by an employee in or about a private home (permanent or temporary), including but not limited to, employees such as cooks, waiters, butlers, valets, maids, housekeepers, nannies, nurses, janitors, laundresses, caretakers, handymen, gardeners, home health aides, personal care aides, chauffeurs of automobiles for family use, and babysitters employed on other than a casual basis.</p> <p>“(bb) ‘Third-party employment’ as used in section 13(a)(15), means employees who are engaged in providing companionship services and who are employed by an employer or agency other than the family or household using their services, whether or not such an employee is assigned to more than one</p>
--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	the category of covered domestic service employees when employed in or about a private household.		workweek to provide companionship services.”.	household or family in the same workweek to provide companionship services.”.
Live-In Domestic Worker Exemption from Overtime  <b>FLSA’s overtime and minimum-wage requirements shall not apply with respect to...</b>	Any employee who is employed in domestic service in a household and who resides in such household....	<b>No Provision</b>	Any employee who is employed in domestic service “(including through third-party employment) in a household and who resides in such household	<b>No Provision</b>