

# Judge overturns home health care wage, overtime rules

January 14 2015, by Pete Yost

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A federal judge on Wednesday overturned Labor Department regulations requiring overtime and minimum wage protection for 2 million home health care workers.

U.S. District Judge Richard Leon had scrapped part of the rules in December, and Wednesday he completed the process.

In his decision, Leon said that the Labor Department's concerns about wages for [home care](#) providers are understandable, but that Congress is the appropriate forum in which to debate a complex issue affecting so many families.

President Barack Obama announced the rules in 2011, avoiding a trip through a hostile Congress that would have been required had the administration chosen the legislative path. Obama presented the rules with fanfare as part of a campaign to boost the economy through executive branch action.

The law Congress wrote in 1974 exempted [home health care](#) workers from wage and overtime requirements, Leon wrote, and nothing has happened to change that. "Here, yet again, the department is trying to do through regulation what must be done through legislation," he said, adding that the exemption was meant to ensure affordability for the maximum number of families.

Wednesday's ruling scrapped a provision in the Labor Department's rules

that had broadened the number of workers eligible for [minimum wage](#) and overtime.

Jodi M. Sturgeon, president of PHI, a group advocating for home care workers, said "we are deeply disturbed by Judge Leon's decision. After three full years, the regulatory process has run its course, and America's 2 million home care workers should not have to wait any longer for fair pay."

Labor unions and worker advocates had sought the new rules for years, arguing that home care workers deserve higher wages. But [home health](#) care companies employing many of the workers claimed the new overtime rules would make it tougher for families to afford home care for their aging parents.

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Citation: Judge overturns home health care wage, overtime rules (2015, January 14) retrieved 27 April 2024 from

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