

March 2014

## **Companionship Exemption Webinar - March 2014**

*Summary drafted by Lucia Cucu*

The new Companionship and Live-in Worker Exemption rules, which will go into effect on January 1, 2015, significantly narrow the exemptions from minimum wage and overtime available to domestic service employees. Employees who are no longer exempt will have to be paid according to Fair Labor Standards Act (FLSA) minimum wage and overtime rules. Additionally, the hours worked by these employees must be tracked according to FLSA rules that determine when an employee is considered on duty.

The webinar addresses several questions that are likely to be relevant in participant direction and that will be impacted by the new rules on minimum wage, overtime, and tracking hours, such as:

- What is a workweek and how is it applied when using the companionship exemption?
- Must unreimbursed employee expenses be taken into account when deciding if an employee is paid minimum wage?
- When can the value room and board furnished by an employer be considered wages?
- How is the equivalent hourly wage determined if an employee is paid a daily or weekly rate, or paid a flat fee per visit? How is overtime calculated in such a situation?
- When can a break be unpaid and when does a worker have to be paid for being "engaged to wait"?
- How do the rules change when counting hours worked by family member employees? In what ways do the rules require family members to be treated the same as other workers? When can a participant's natural supports be taken into account when determining the hours paid under a Plan of Care?
- When must travel time and sleep time be paid?