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Rep. Linda Sánchez Introduces Bill to Entitle Workers to Minimum Wage and Overtime Pay

Washington, DC – Direct care workers have never been protected by the Fair Labor Standards Act, which includes access to the minimum wage and overtime compensation that the rest of the nation's workforce is entitled to. Today, Rep. Linda Sánchez (D-CA) announced legislation to correct this injustice and doing so, to help improve direct care services to seniors and people with disabilities by introducing the **Direct Care Workforce Empowerment Act**.

“I am here to say that our nation's laws should respect all hard working Americans equally,” said **Rep. Linda Sánchez**. “No matter whether you sit behind a corporate desk or care for an elderly person in a home, all work has dignity.”

This legislation builds upon prior efforts to protect these hard-working and vulnerable workers. Last year, Rep. Sánchez, Co-Chair of the Congressional Labor and Working Families Caucus, spearheaded a letter to the U.S. Secretary of Labor, Hilda Solis, urging her to change the Fair Labor Standards Act (FLSA) regulations so that home care workers would be entitled to minimum wage and overtime. The DOL responded by including the issue on its list of regulatory items to address, but has not yet proposed a new rule. Sánchez believes the issue is important enough to proceed on both tracks.

“As the daughter of a father living with Alzheimer's – I know just how important home care workers are,” continued **Rep. Sánchez**. “Yet, every year, home-care aides land on Forbes magazine's list of the ‘25 worst-paying jobs in America.’ Direct-care workers make up one of the largest and fastest growing workforces in the country, playing a vital role in job creation and economic growth. Regardless of the work you do, if you do it well, you should be compensated

enough to take care of your family and put food on the table.”

The Direct Care Workforce Empowerment Act would:

- ensure that home care workers receive the federal minimum wage and overtime protections of the Fair Labor Standards Act (fixing the loophole cemented by the Supreme Court decision in *Long Island Care at Home, Ltd. v. Coke* in 2007) ;
- improve federal and state data collection and oversight with respect to the direct care workforce; and
- establish a grant program to help states improve direct care worker recruitment, retention, and training.

“For three decades, I have worked hard to help ensure the autonomy and well-being of consumers in my care,” said **John Booker, a direct care worker and founder of Association of Direct Care Workers of Color**. “But dozens of my colleagues haven’t been in the field as long – they love their jobs but have been forced to leave because they can’t make ends meet. This kind of high turnover is bad for consumers and their families. The Direct Care Workforce Empowerment Act will help improve working conditions and will make direct care a viable career option so that we can meet the growing demand for our services.”

“As someone who has worked for less-than-minimum wage in my lifetime, and as an advocate for direct care workers, I can say that basic labor protections for home care workers are long overdue,” said **Leonila Vega, Executive Director, Direct Care Alliance**. “These men and women care for our loved ones but aren’t earning enough to support their own families. The Direct Care Workforce Empowerment Act will help strengthen the direct care workforce and improve the quality of care for the more than 27 million Americans expected to require long-term care by 2050. The Direct Care Alliance thanks Congresswoman Sánchez for taking action on behalf of direct care workers and the people they serve.”

“Direct care workers give their hearts, souls and bodies to take care of our sick and elderly family members and friends,” said **Judy Conti, Federal Advocacy Coordinator, National Employment Law Project**. “They care for the most vulnerable, but they should not be among the most vulnerable of workers. They deserve every protection of our nation’s wage and hour laws and the National Employment Law Project commends and thanks Congresswoman Sánchez for taking the lead in working to remedy the injustices that they face on the job every day.”

The Direct Care Workforce Empowerment Act is supported by the Direct Care Alliance, National Council on Aging, National Hispanic Council on Aging, AFSCME, SEIU, National Partnership for Women and Families, National Alliance for Direct Support Professionals, Alzheimer's Foundation of America, and the Council on Social Work Education.

Survey Links Low Wages and High Turnover Rates

ANCOR Releases Results of National Direct Support Workforce Wage Study

A clear disparity exists in wages and retention rates between privately-operate and state-operated providers of the Medicaid-funded support services for people with disabilities, according the American Network of Community Options and Resources (ANCOR), which released the results of a national survey today. The [2009 Direct Support Professionals Wage Study](#), which was conducted in partnership between ANCOR and the Mosaic Collaborative for Disabilities Public Policy and Practice, also shows the negative effect of these wage and retention gaps on the private provider direct support workforce.