

DIRECT CARE WORKFORCE EMPOWERMENT ACT

NPDA agrees with the goal of "professionalizing" in-home companion care. But, the Direct Care Workforce Empowerment Act, requires changes to accommodate affordability and other issues unique to in-home companion care.

A. NPDA supports some of the goals of the Direct Care Workforce Empowerment Act - for example, NPDA member companies are committed to hiring and fielding a trained, professional workforce of in-home companion care workers. NPDA also supports payment of at least minimum wage to in-home companion caregivers.

- i. NPDA companies pay their employees at least, and usually considerably more than, minimum wage.
- ii. Training should be a function of a company-caregiver partnership, pursuant to standards developed by consensus among those in the industry (employers and workers), service recipients and policymakers. Legislation must not interfere with this important consensus function.
- iii. NPDA is heavily involved in developing and implementing training programs for the professional caregivers employed by NPDA member companies.

B. NPDA opposes mandating overtime for in-home companion caregivers.

- i. In many instances, caregivers spend the night--and sleep most of it--in the homes of their clients. Making these overnight hours subject to overtime rules will make this service unaffordable for many--perhaps most--of its users. This means seniors and people with disabilities will be forced into institutional care solely due to the need for someone to be in the home--even though sleeping--during overnight hours.

C. Seniors and people with disabilities frequently prefer the same caregiver (or small group of caregivers). Restricting a caregiver's work hours to no more than 8 hours/day or 40 hours/week could upset these essentially personal relationships, causing the senior/person with disability to have to settle for less care than they need, or to deal with more caregivers than they would prefer. At a minimum, the rules should allow for flexibility in scheduling hours of care to accommodate the very personal nature of the services being provided.

2. The Direct Care Workforce Empowerment Act rightly recognizes the preference of employee caregivers over referrals to individuals--many of whom have little or no training, and little or no knowledge of self-employment responsibilities. The legislation rightly acknowledges the professionalism of in-home non-medical caregivers. Its approach to professionalism of the caregiving workforce--particularly with respect to training, accountability, and minimum wage requirements, will help close the tax gap attributable to independent contractors who don't know and therefore don't comply with their tax liability responsibilities. NPDA strongly supports legislation that helps to address the serious problem with worker classification that exists in the field of in-home caregiving.

In summary, while NPDA supports the goals of the Direct Care Workforce Empowerment Act, it is crucially important that the legislation be modified to accommodate the unique concerns of the in-home caregiving industry. NPDA is ready and willing to work with Rep. Sanchez and all other interested lawmakers to achieve the appropriate balance between encouraging correct worker classification, promoting the professionalism of in-home caregivers, and accommodating the cost and other considerations unique to in-home caregiving.