

DOL Delays Expansion of home Health care Worker Benefits

1 min read

Sep 22, 2015

Last month, we [highlighted a revival](#) of Department of Labor (DOL) [rules](#) expanding overtime and minimum wage coverage to home health care workers. At the time, it appeared likely that the decision in *Home Care Association of America v. Weil* could lead to the DOL to immediately enforcing previously-blocked 2013 regulations that were effective on January 1, 2015.

Instead, the DOL has clarified that it will not enforce the new regulations until after the *Weil* decision is effective and an order entered in favor of the DOL. On September 14, 2015, the DOL published a [Policy Statement](#) declaring that it would not bring enforcement actions against employers for violations of the revised final regulations until thirty (30) days after the date the D.C. Circuit Court of Appeals issues a mandate making its opinion effective.

Well before the *Weil* decision, the DOL had issued an [earlier](#) Policy Statement declaring that, through December 31, 2015, the DOL would “exercise prosecutorial discretion” when bringing enforcement actions under the new rules. The recent September 14, 2015 Policy Statement does not negate this earlier policy. In any case, when both policies are considered alongside possible appeals to the United States Supreme Court, it is clear that enforcement will not occur for some unknown period of time.