



Companionship Services Exemption Compliance

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Companionship Services Exemption Compliance

The companionship services exemption of the Fair Labor Standards Act (FLSA) is an important issue faced by health care employers on a regular basis. To fall within this narrowly applied exemption, the following requirements must be satisfied: (1) an employee must perform services for the care, fellowship, and protection of person who, because of advanced age or physical or mental infirmity, cannot care for themselves; (2) general household work performed may not exceed 20% of the total weekly hours worked by the employee; (3) the work performed must not be of a type which requires and is performed by trained personnel, such as registered or licensed practical nurses; and (4) the services must be provided in or about the aged or infirm individual's private residence. The accurate classification of companions will both provide invaluable piece of mind and avoid potential significant liability for unpaid wages and penalties.

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