May 23, 2014

The Honorable Thomas E. Perez

Secretary

U.S. Department of Labor

200 Constitution Ave., NW

Washington DC 20210

**RE: Implementation of the Final Rule, “Application of the Fair Labor Standards Act to Domestic Service,” RIN 1235-AA05**

Dear Secretary Perez:

The undersigned organizations are writing to respectfully request that the Department of Labor (DOL) extend the implementation period for the final rule, “Application of the Fair Labor Standards Act to Domestic Service” (RIN 1235-AA05). **We request that the DOL extend the effective date for compliance for an additional 18 months.**

We commend the DOL for working collaboratively with stakeholders throughout the rulemaking process, as well as for continuing to actively engage in dialogue to develop guidance, educate, and assist in implementation of the rule. We appreciate the DOL’s recognition that a standard 30 or 60-day implementation period would be impractical for this rule. We are concerned that the current effective date of January 1, 2015, fails to provide sufficient time for the federal agencies and state partners to understand the policy and operational issues, develop workable solutions on key components and determine an appropriate course of action if a feasible solution cannot be identified.

At this time, there remain unresolved issues on which states require additional guidance before they can adequately plan and implement this rule. Most importantly, DOL has not yet issued guidance regarding third-party employers and joint employment arrangements. This guidance will significantly impact the way states design and pay for certain home and community-based programs, especially those with consumer-directed options.

The majority of state legislative sessions have either ended or will end soon, and we believe that many states will not be able to appropriately address legislative changes that will likely be necessary based on future guidance. As such, we request that the DOL delay the implementation of the rule by 18 months. This timeframe will align with the beginning of the fiscal year for the majority of states, and will provide more time to modify IT systems, adjust appropriations, and make changes to state policies and procedures. It will also allow states to effectively educate consumers and providers on the new rules and on the tools necessary to ensure compliance.

We recognize and appreciate the effort that the DOL has put into working with the Department of Health and Human Services, State governments, and stakeholder groups throughout the rulemaking and implementation process. We appreciate your consideration of this request, and we look forward to continuing to work with you to implement the final rule in the most effective and efficient way possible.

Respectfully submitted,

ACCSES

American Association on Intellectual and Developmental Disabilities

American Network of Community Options and Resources

Autistic Self Advocacy Network

Brain Injury Association of America

Disability Rights Legal Center

Lutheran Services in America Disability Network

National Association of Councils on Developmental Disabilities

National Association of State Directors of Disabilities Services

National Association of States United for Aging and Disabilities

National Council on Independent Living