

Home Health: Professional Staff Get Overtime Pay.

The US Fair Labor Standards Act contains some exceptions to the general rule of time and one half for overtime. One exception applies to companions and housekeepers who work in the homes of their clients. Whether they are employed directly by their clients or work for an agency, they do not get overtime.

The US District Court for the Southern District of Florida recently clarified the law. An agency LPN who goes into clients' homes to perform nursing assessments, administer oxygen to clients and suction their chests, among other professional services, is not a home companion or a housekeeper and is entitled to overtime.

The court awarded the nurse \$22,312.50 in back overtime she was owed. **Bergman v. Private Care Inc., 2008 WL 517606 (S.D. Fla., January 30, 2008).**