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**Subject:** FLSA Update

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Tuesday afternoon, Chief Justice John Roberts of the US Supreme Court denied an emergency request to stay the effective date of the Fair Labor Standards Act (FLSA) Home Care Rule.

The Home Care Rule will therefore go into effect next week as scheduled, with enforcement dates as follows:

- **October 13, 2015:** The Home Care Rule takes effect, although the Department of Labor (DOL) enforcement will not begin for another month. However, workers could still pursue private litigation for back wages owed for time worked on and after October 13.
- **November 13, 2015:** DOL begins "selective enforcement" of the Home Care Rule. From November 13 until December 31, 2015, DOL will exercise prosecutorial discretion in determining whether to bring enforcement actions. An entity's good faith efforts to come into compliance will factor strongly into DOL's decision to prosecute or not. Entities who have made little or no good faith effort to comply with the Home Care Rule are at highest risk of prosecution by DOL during this time period.
- **January 1, 2016:** Full enforcement of the Home Care Rule begins.

Sincerely,

Your team at the National Resource Center for Participant-Directed Services (NRCPDS).

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