

**SENATE AMENDMENT 1,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2003 SENATE BILL 508**

March 10, 2004 – Offered by Senator CARPENTER.

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 1, line 3: after “services” insert “and granting rule-making authority”.
- 3 **2.** Page 2, line 1: delete lines 1 to 17.
- 4 **3.** Page 3, line 1: delete lines 1 to 18 and substitute:
- 5 “SECTION 4m. 103.027 of the statutes is created to read:
- 6 **103.027 Hours of labor; companionship services. (1)** In this section:
- 7 (a) “Care” means intimate personal care services provided to a person who,
- 8 because of advanced age or physical or mental infirmity, cannot care for his or her
- 9 own needs, such as feeding the person or assisting the person with bathing, dressing,
- 10 grooming, or toileting.
- 11 (b) “Companionship services” means services that provide fellowship and
- 12 protection for a person who, because of advanced age or physical or mental infirmity,

1 cannot care for his or her own needs. “Companionship services” does not include
2 services relating to the care and protection of a person who, because of age or physical
3 or mental infirmity, cannot care for his or her own needs that require and are
4 performed by a trained individual, regardless of whether the trained individual is a
5 registered nurse or a licensed practical nurse, such as catheter and ostomy care,
6 injections, and tube feeding. “Companionship services” also does not include
7 transportation services, unless those services are provided on an occasional and
8 intermittent basis in conjunction with the provision of fellowship and protection
9 services.

10 (c) “Household work” means household work that is directly related to the care
11 of a person who, because of advanced age or physical or mental infirmity, cannot care
12 for his or her own needs, such as preparing the person’s meals, making the person’s
13 bed, washing the person’s clothes, and other similar services that are directly related
14 to the care of the person.

15 (d) “Protection” means being present in the home of a person who, because of
16 advanced age or physical or mental infirmity, cannot care for his or her own needs
17 to ensure the safety and well-being of the person.

18 **(2)** An employer is not required to pay overtime compensation, as defined in
19 s. 103.025 (1) (c), to an individual engaged in providing companionship services if all
20 of the following conditions are met:

21 (a) Fellowship and protection are the sole core duties of the individual, and the
22 individual spends not less than 80 percent of his or her total weekly hours worked
23 exclusively providing fellowship and protection.

24 (b) The individual spends no more than 20 percent of his or her total weekly
25 hours worked providing care and household work.

