

## BLOOM COMPANION CARE IS A PROUD EMPLOYER OF ITS COMPANIONS

**Bloom Companion Care** is not an employee leasing company, or a contractor for home care services. We proudly employ all of our Companions, each of whom is trained and qualified, and each of whom is paid significantly more than minimum wage.

We also fully comply with the FLSA, which means we pay federal and state taxes on behalf of our Companions, including but not limited to, federal and state incomes taxes, taxes under FICA (Federal Insurance Contributions Act) for purposes of social security and Medicare, contributions under the Federal Unemployment Tax Act and the Employment Security Law, payment of overtime pay and minimum wage, worker's compensation insurance, and any other applicable payments required under state of federal law.

When there is "joint employment," each "employer" is equally responsible for compliance with the FLSA, as described above. It is possible that **Bloom Companion Care** and you, as our client, could be found to "jointly employ" a Companion.

To figure out who is an "employer," the FLSA sets forth an "economic realities" test that includes things like who directs, controls and supervises work; who can hire or modify employment conditions; who sets the duration and permanence of the relationship; where the work is performed; and whose equipment is used to do the job. No one factor is controlling and there can be other factors considered. The ultimate question is one of economic dependence.

Applying this to **Bloom Companion Care's** relationship with you and our Companions, it is **Bloom Companion Care** that recruits and hires Companions, ensures they are properly trained, determines Companions' rate of pay and qualifications and handles payroll and benefits. But, a critical part of meeting your expectations for services is that you decide what services you need, how the Companion will perform the services, the number of hours of support you need, and the schedule for Companions that best suits your needs. And although **Bloom Companion Care** retains the ultimate decision of whether to terminate a Companion's employment with **Bloom Companion Care** itself, if you are not satisfied with the performance of a particular Companion you may request a different Companion. These facts could be enough to say we are "joint employers" of the Companion for purposes of compliance with the FLSA. Per the Home Care Consumer Bill of Rights, if you are uncertain about any potential responsibility you could have if you are determined to be a "joint employer," we recommend you consult a tax professional.