



THE INDEPENDENCE CENTER – NEW MEXICO  
VETERAN DIRECTED CARE  
LIVE-IN EXEMPTION FORM

Under the Fair Labor Standards Act (FLSA), household employers are required to pay overtime to employees who work more than 40 hours in a single workweek, unless the employee qualifies as a live-in domestic service worker.

**DEFINITION OF A DOMESTIC SERVICE WORKER:**

In order to be a live-domestic service worker, a worker must reside on the employer’s premises either “permanently” or for “extended periods of time”.

A worker resides on the employer’s premises permanently when he or she lives, works, and sleeps on the employer’s premises seven (7) days per week and therefore has no home of his or her own other than the one provided by the employer under the employment agreement.

**(OR)**

A worker resides on the employer’s premises for an extended period of time when he or she lives, works, and sleeps on the employer’s premises for five days a week (120 hours or more). If a domestic worker spends less than 120 hours per week working and sleeping on the employer’s premises, but spends five consecutive days or nights residing on the premises, this also constitutes an extended period.

**Does your employee qualify as a live-in worker?**                      Yes                      No

Veteran/Employer Name: \_\_\_\_\_

Authorized Representative Name: \_\_\_\_\_

This is only required if the Veteran is not the employer.

Direct Care Worker/Provider Name: \_\_\_\_\_

**Please note that it is your responsibility to let ResilientSD know when the employee no longer lives with the employer.**

For any questions or concerns, please contact our office at: **855.275.3948**.

Direct Care Worker Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Veteran/Authorized Representative Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Please submit completed form to ResilientSD:

**Mail**  
10425 W. North Ave  
Suite 345  
Milwaukee, WI 53226

**Email**  
[Enrollment@Resilient-SD.com](mailto:Enrollment@Resilient-SD.com)