

## Nanny Wins Overtime Case Against Florida Family



In a recent decision, a U.S. appeals court ruled in favor of a nanny, Maria Blanco, who worked nearly 80 hours a week for a Florida family. The court determined that Blanco should have been paid overtime as she did not reside at the family's home. Here's a breakdown of the case:

### Background

Maria Blanco, employed through an LLC operated by another nanny working for the family, worked predominantly overnight shifts for nearly three years, caring for the couple's four children. She filed a lawsuit in 2021, claiming she should have been paid overtime once exceeding 40 hours a week, seeking nearly \$30,000 in pay and damages under the federal Fair Labor Standards Act (FLSA).

### Court Decision

The three-judge panel of the Atlanta-based 11th U.S. Circuit Court of Appeals unanimously ruled in favor of Blanco, overturning a Florida federal judge's decision to dismiss her lawsuit. The panel stated that Blanco did not qualify for an exemption from overtime pay for live-in domestic workers, emphasizing that simply working and spending significant time at the house does not constitute "residing" there.

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### Legal Arguments

Blanco was supported by the U.S. Department of Labor, which argued that upholding the judge's ruling would improperly exempt many full-time domestic workers from overtime pay. The court remanded the case to reconsider whether the parents were Blanco's "employer" under the FLSA, as they contended they were not responsible for paying her unpaid overtime.

### Previous Ruling and Appellate Reversal

U.S. District Judge Robert Scola initially granted summary judgment to the parents in 2022, asserting that Blanco resided at the parent's home due to her substantial time spent there and nights slept in the house. The appellate court disagreed, highlighting that Blanco's time was not entirely her own, as she was required to wake up to care for the children during her shifts.

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### Department of Labor Guidance

During the Obama administration, the Labor Department issued non-binding guidance to narrow the exemption. The guidance stated that domestic workers were considered to reside in a household only if they worked 120 hours or more each week and slept on the employer's premises five days a week.

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