

## Additional Information

The Wage and Hour Division of the U.S. Department of Labor has more than 200 offices across the country with trained personnel available to assist workers. All services are free and confidential, and it is against the law for your employer to terminate your employment or discriminate against you in any other manner for filing a complaint with WHD.

For more information, visit the Wage and Hour Division's website at [www.dol.gov/whd/homecare](http://www.dol.gov/whd/homecare) or call our toll-free helpline at 1-866-4US-WAGE (487-9243).

*This publication is for general information and is not to be considered in the same light as official statements of position contained in the Department's regulations.*



### U.S. Department of Labor Wage and Hour Division

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# We Count on Home Care

Minimum Wage and  
Overtime Pay Protections:  
A Guide for Direct Care Workers



U.S. Department of Labor  
Wage and Hour Division

## Who are Direct Care Workers?

As a direct care worker (such as a home health aide, personal care aide, and other similar jobs), you perform essential work for American families by helping people live independently. And you count on your job to support your own family. That is why the U.S. Department of Labor revised its regulations under a federal law called the Fair Labor Standards Act (FLSA) to provide minimum wage and overtime pay protections for most direct care workers who work in private homes.

**Effective January 1, 2015**, if you work in a private home providing assistance to an elderly person or a person with an illness, injury, or disability, you may be entitled to receive:

- At least the federal minimum wage for all the hours you work; and
- Overtime pay at one-and-one-half times your regular rate of pay for all the time you work beyond 40 hours in a workweek.

## Am I Entitled to Minimum Wage and Overtime Pay?

Direct care workers are covered by the FLSA minimum wage and overtime pay protections in any workweek when **any** of the following apply:

1. *I am employed by an agency or another employer other than the person I assist or that person's family or household.*

You must be paid at least the federal minimum wage and overtime pay if you are employed by anyone other than the person you assist or that person's family or household, even if that person, family, or household is also your employer. For instance, if you are employed by an agency that assigns you to work in private homes, you must always be paid at least the federal minimum wage and overtime pay.

2. *My duties include medically related services.*

You are covered by federal minimum wage and overtime pay protections in any workweek when you perform medically related services, which are services that typically require and are performed by trained personnel such as a registered nurse, licensed practical nurse, or certified nursing assistant. Examples include catheter care, turning and repositioning, ostomy care,

tube feeding, treating bruising or bedsores, and physical therapy. Whether or not you have training or a license does not affect this requirement—any worker who performs medically related services is entitled to the federal minimum wage and overtime pay.

3. *I spend more than 20% of my work time helping the person I assist with activities of daily living (ADLs) and instrumental activities of daily living (IADLs).*

You are entitled to the federal minimum wage for all hours worked and overtime pay for all hours worked over 40 in any workweek when you spend more than 20% of your work time helping the person you assist with ADLs and IADLs, such as dressing, grooming, driving, preparing meals, doing light housework, etc.

4. *I perform duties that primarily benefit members of the household other than the person I assist.*

Federal minimum wage and overtime pay protections apply to you in any workweek you perform any duty that primarily benefits other members of the household, such as making meals for someone other than the person you assist, or doing another family member's laundry.

