

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 regarding the Fair Labor Standards Act, visit the Wage and Hour Division Website at: www.dol.gov/whd/homecare or call our toll-free helpline, 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**
1-866-4-USWAGE
(1-866-487-9243)
www.dol.gov/whd/homecare



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

Direct Care Workers

Am I Entitled to Minimum Wage and Overtime Pay?

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 helping people live independently—and you count on your job to support your own family.

That is why the U.S. Department of Labor has revised its regulations to provide minimum wage and overtime pay protections under a federal law called the Fair Labor Standards Act (FLSA) 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.

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

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 rate.
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 (for example, catheter care or tube feeding) that typically require and are performed by trained personnel such as a registered nurse, licensed practical nurse, or certified nursing

assistant. Whether or not you actually have the proper training or license does not affect this requirement—any worker who performs this level of medically related services is entitled to the federal minimum wage and overtime rate.

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 and overtime rate 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.

