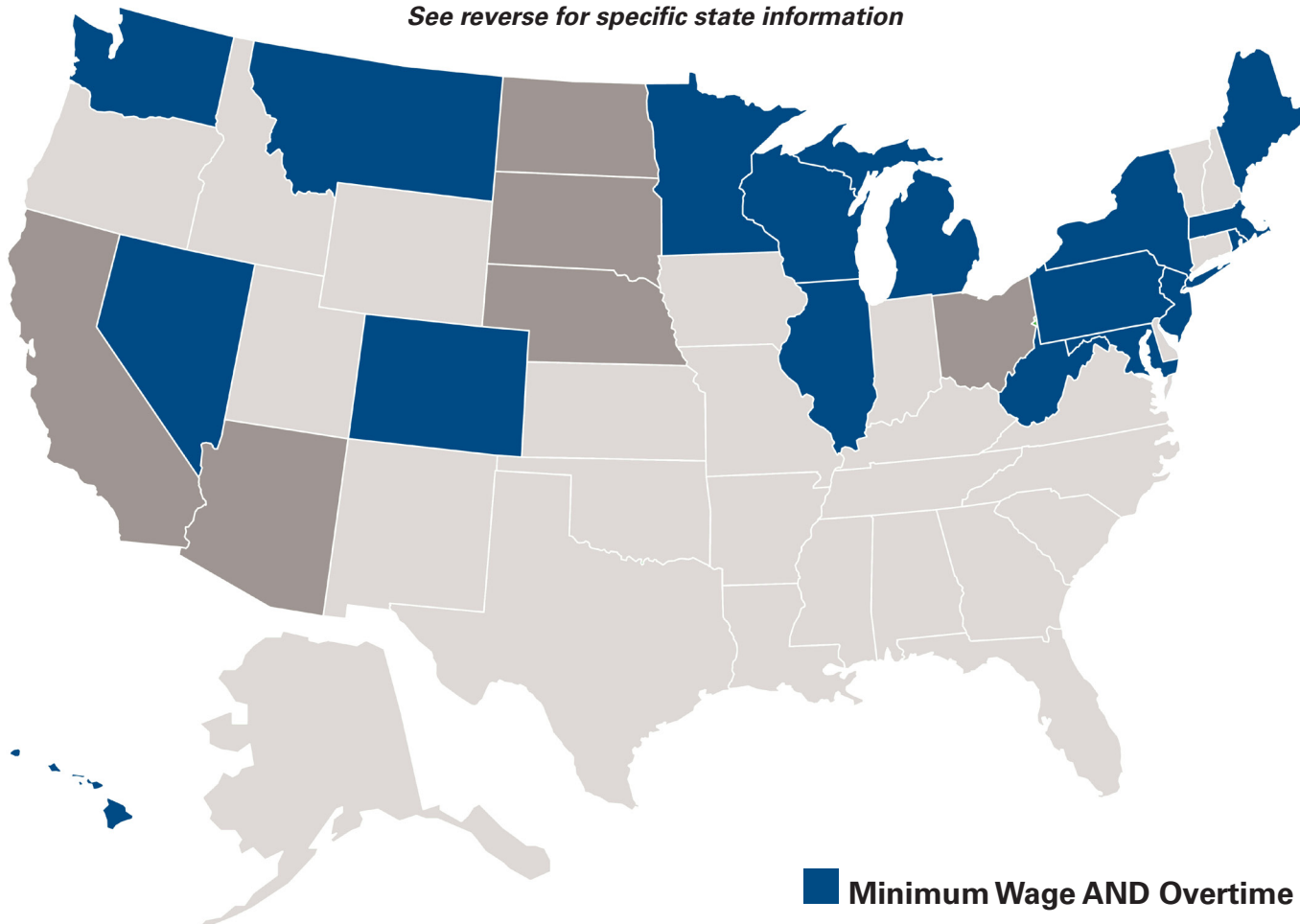





Which states provide minimum wage and overtime to home care workers?

See reverse for specific state information



This map, based on information compiled by the National Employment Law Project (www.nelp.org), was created by the PHI Campaign for Fair Pay, which seeks to end the exclusion of home care workers from federal minimum wage and overtime protections. See www.PHInational.org/fairpay for more information.

-  Minimum Wage AND Overtime
-  Minimum Wage, But NO Overtime
-  No Minimum Wage, No Overtime

For more information...

At **PHI** contact Carol Regan, PHI Government Affairs Director at cregan@PHInational.org or 202.223.8355. For more information on the direct-care workforce, go to PHI PolicyWorks, www.PHInational.org/policy.

At **NELP** contact Catherine Ruckelshaus, Legal Co-Director at cruckelshaus@nelp.org or Sarah Leberstein, Staff Attorney, at sleberstein@nelp.org. Phone: 212.285.3025.



PHI (www.PHInational.org) works to improve the lives of people who need home and residential care — and the lives of the workers who provide that care.

The National Employment Law Project (www.nelp.org) works in partnership with national, state and local allies, to promote policies and programs that create good jobs, strengthen upward mobility, enforce hard-won worker rights, and help unemployed workers access improved benefits and services.



States that Provide Minimum Wage and Overtime Coverage to Home Care Workers

Colorado	Minimum wage and overtime coverage for home care workers, but exemption for those employed directly by private households. Colorado Minimum Wage Order No. 26 § 5; 7 <i>Colo. Code Regs.</i> § 1103-1:5 (West 2010).
Hawaii	Minimum wage and overtime coverage for home care workers, but exemption for those employed directly by private households. <i>Haw. Rev. Stat.</i> § 387-1 (West 2010).
Illinois	Minimum wage and overtime coverage for home care workers, but possible exemption for those employed solely by private households as a result of exemption for employers with fewer than four employees. 820 <i>Ill. Comp. Stat.</i> § 105/3(d) (West 2010); <i>Ill. Adm. Code</i> § 210.110.
Maine	Minimum wage and overtime coverage for all home care workers. No relevant exemptions. <i>Me. Rev. Stat. Ann.</i> tit. 26, §§ 663, 664 (West 2010).
Maryland	Minimum wage coverage for all home care workers. Overtime coverage for most home care workers but exemption for workers employed by non-profit agencies. <i>Md. Code Ann., Lab. & Empl.</i> § 3-415 (West 2010).
Massachusetts	Minimum wage and overtime coverage for all home care workers. No relevant exemptions. <i>Mass. Gen. Laws</i> ch. 151, § 1 (West 2010).
Michigan	Minimum wage and overtime coverage for home care workers, but exemption for live-in workers. <i>Mich. Comp. Laws</i> § 408.394(2)(a) (West 2010). Exemption for workers employed solely by private household as a result of exemption for employer with fewer than two employees. <i>Mich. Comp. Laws</i> § 408.382(c) (West 2010).
Minnesota	Minimum wage and overtime coverage for all home care workers, but nighttime hours where employee is available to provide services but does not actually do so need not be compensated. <i>Minn. Stat.</i> § 177.23(11) (West 2010).
Montana	Minimum wage and overtime coverage for home care workers, but exemption for those employed directly by private households. <i>Mont. Code Ann.</i> § 39-3-406(p) (West 2010).
Nevada	Minimum wage and overtime coverage for home care workers, but exemption for live-in workers. <i>Nev. Rev. Stat.</i> § 608.250(2) (b) (West 2010).
New Jersey	Minimum wage and overtime coverage for all home care workers. No relevant exemptions. <i>N.J. Stat. Ann.</i> § 34:11-56a et seq. (West 2010).
New York	Minimum wage coverage for all home care workers. N.Y. Labor Law § 651 (5) (West 2010). Overtime coverage for all home care workers but workers employed by agencies receive overtime at a reduced rate of 150% of the minimum wage (rather than the usual 150% of their regular rate of pay). N.Y. Labor Law §§ 2(16), 170; N.Y. Comp. Codes R. & Regs. tit. 12, § 142-2.2 (West 2010). Overtime coverage for live-in workers after 44 hours/week (rather than the usual 40 hours) at the same rates detailed above. <i>Id.</i>
Pennsylvania	Minimum wage and overtime coverage for home care workers, but exemption for those employed solely by private households. <i>Pa. Stat. Ann.</i> tit. 43, § 333.105(a)(2) (West 2010).
Washington	Minimum wage and overtime coverage for most home care workers, but exemption for live-in workers. <i>Wash. Rev. Code</i> § 49.46.010(5)(j) (West 2010).
Wisconsin	Minimum wage and overtime coverage for most home care workers, but overtime exemption for those employed directly by private households, <i>Wis. Admin. Code</i> § 274.015 (West 2010), and those employed by non-profit organizations. <i>Wis. Admin. Code</i> §§ 274.015, 274.01 (West 2010). Additional minimum wage exemption for live-in workers who spend less than 15 hours a week on general household work. <i>Wis. Admin. Code</i> § 272.06(2) (West 2010).

States that Provide Minimum Wage But No Overtime Coverage to Home Care Workers

Arizona	Minimum wage but no overtime coverage for home care workers. No state overtime law. <i>Ariz. Rev. Stat. Ann.</i> §§ 23-362, 23-363 (West 2010); see also Office of the Attorney General of the State of Arizona, Opinion No. 107-002 (Feb. 7, 2007).
California	Minimum wage but no overtime coverage for most home care workers. "Personal attendants" exempt from overtime. Industrial Welfare Commission Order No. 5-2001.
District of Columbia	Minimum wage but no overtime coverage for home care workers. <i>D.C. Mun. Regs.</i> tit. 7, § 902.5(b) (West 2010).
Nebraska	Minimum wage but no overtime coverage for home care workers. No state overtime law. <i>Neb. Rev. Stat.</i> §§ 48-1202, 48-1203 (West 2010).
North Dakota	Minimum wage but no overtime coverage for home care workers. Additionally, nighttime hours where employee is available to provide services but does not actually do so need not be compensated. <i>N.D. Cent. Code</i> § 34-06-03.1 (West 2010).
Ohio	Minimum wage but no overtime coverage for home care workers because overtime law adopts FLSA exemptions. <i>Oh. Rev. Code Ann.</i> § 4111.03(A) (West 2010). Additional overtime exemption for live-in workers. <i>Ibid.</i> , (D)(3)(d).
South Dakota	Minimum wage but no overtime coverage for home care workers. No state overtime law. <i>S.D. Codified Laws</i> §§ 60-11-3, 60-11-5 (West 2010).