

HOME CARE WORKER RIGHTS IN THE STATES AFTER THE FEDERAL COMPANIONSHIP RULES CHANGE-2013



The chart below summarizes coverage for home care workers under state minimum wage and overtime laws and explains state impacts once the federal companionship regulations go into effect in 2015. The summaries of state law are based on a reading of the statutes, regulations and any guidance from the state's department of labor. Because of inconsistencies and unclear language in these sources, the table may not present the full nuances of state law coverage. We welcome further information clarifying coverage for workers in your state.

Please also note that some number of workers will remain exempt under the new regulations. According to the DOL regulations, the exemption will now be limited to workers who are employed solely by a consumer, household or family member, and who primarily provide fellowship and protection and a limited amount of assistance with daily activities.

The impact of the federal companionship rules reform will vary from state to state. In the 29 states and Puerto Rico that have exempted home care workers from their minimum wage and overtime laws or which have no state minimum wage law, workers will benefit tremendously by gaining basic wage protections for the first time. In states that have provided some minimum wage or overtime protections to home care workers, workers will gain an added level of protection through coverage under federal laws and access to the US DOL and federal courts, and in many of those states, the federal rules will fill gaps and improve protections for the home care workforce.

Other states' minimum wage laws do not explicitly reference the Fair Labor Standards Act (FLSA) but use similar or even identical language to the federal definitions. The state DOL may have adopted a written or unwritten policy stating that it follows the FLSA definitions. These states *may* choose to amend their law to narrow the scope of their companionship exemption.. Some state labor officials have said that their state laws are unclear and that they will attempt to correct inconsistencies or unclear language when the final rules are released.

Some impacts of the federal companionship reforms include:

Home care workers in 29 states will have minimum wage and overtime protections for the first time: AL, AK, AR, CT, DE, FL, GA, ID, IN, IA, KS, KY, LA, MO, MS, NH, NM, NC, OK, OR, RI, SC, TN, TX, UT, VT, VA, WV, and WY.

Home care workers in 13 states will be covered by a state minimum wage rate higher than the federal minimum wage: AZ, CA, CO, CT, FL, IL, ME, MA, MI, MO, NV, OH, and WA. Two of these states, CT and FL, will newly cover home care workers at the higher state rate because their laws incorporate federal definitional changes to the exemption.

In 6 states (plus the District of Columbia) home care workers will have overtime protections for the first time: AZ, CA, NE, ND, OH, and SD.

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STATE	STATE LAW SUMMARY	RIGHTS FOR WORKERS IN THIS STATE
<p>Alaska</p> <p>\$7.75/hour</p>	<p>Alaska minimum wage and overtime law exempts individuals “employed in domestic service... in or about a private home.” Alaska Stat. Ann. § 23.10.055. AK overtime law exempts employers with fewer than 4 employees Alaska Stat. Ann. § 23.10.060(d)(1).</p>	<p>Home care workers covered by federal minimum wage and federal overtime law, but most or all remain exempt from Alaska minimum wage law due to exemption for “domestic service” employees.</p>
<p>Arizona</p> <p>\$7.80/hour</p>	<p>Arizona minimum wage law has no exemption for home care workers. No state overtime law. Ariz. Rev. Stat. Ann. §§ 23-362, -363. <i>See also</i> Office of the Attorney General of the State of Arizona, Opinion No. I07-002 (Feb. 7, 2007)(2006 ballot initiative did not contain companionship exemption and therefore AZ Minimum Wage Act does not exempt them).</p>	<p>Home care workers covered by federal minimum wage and overtime law, and by Arizona minimum wage of \$7.80/hour.</p>
<p>Arkansas</p>	<p>Coverage of home care workers under Arkansas minimum wage and overtime laws is unclear. AR law exempts anyone “employed on a casual basis in domestic service employment” to provide companionship services. Ark. Stat. Ann. § 11-4-203(3)(O). Regulations specify that the law exempts companions as defined in FLSA. Rule 010.14-106(B)(15), (C)(1)(q). The act also exempts an “employee employed in domestic services to provide companionship services,” Rule 010.14-106(B)(15), and any employee who is employed in domestic service in a household and who resides in such household. Rule 010.14-106(C)(1)(q).</p> <p>AR DOL General Counsel says that state law intent is to follow the federal regulations but state law as currently</p>	<p>Home care workers covered by federal minimum wage and overtime laws. The AR DOL intends to issue regulations or urge passage of legislation clarifying that AR minimum wage and overtime law cover home care workers to the same extent as federal law, but state coverage will be uncertain until then.</p> <p>Workers employed solely by private household exempt from AR minimum wage and overtime laws due to separate exemptions.</p>

written is unclear because the statute seemingly limits the exemption to workers employed on a casual basis. She anticipates AR DOL will issue clarifying state regulations or urge passage of legislation to make state companionship exemption consistent with federal law once federal companionship regulations are finalized. NELP phone call with Denise Oxley, AR DOL General Counsel, 7/31/2013. See also, letter from AR DOL to complainant, dated 4/16/2012 (on file with NELP).

Additional exemption for workers employed solely by private household through provision in minimum wage and overtime law exempting employers with fewer than 4 employees. Ark. Code Ann. §11-4-203(B)(I). State overtime law also exempts any employee exempt from the overtime regulations of the FLSA. Ark. Stat. Ann. § 11-4-211 (effective Oct. 1, 2006).

California

\$8.00/hour

California minimum wage law has no relevant exemptions for home care workers.

The recently-enacted CA Domestic Worker Bill of Rights extends overtime rights to home care workers who are not employed through CA's In Home Supportive Services Program. Home care workers who are employed by home care agencies or solely by private households (outside the IHSS program) are entitled to time-and-a-half after 9 hours per day and 45 hours per week.

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB241. Workers performing services through CA's IHSS program are exempt from CA overtime unless they spend more than 20% of their work time on tasks unrelated to the care of their patient, such as cooking, cleaning, laundry shopping, etc., in which case they are entitled to overtime after 8 hours a day or 40 hours a week (for live-out workers). CA Wage Order 15-2001 §§ 1(B), 2(J). But

Home care workers covered under federal minimum wage and overtime, by CA state minimum wage of \$8.00/hour, and by CA overtime law providing time-and-a-half the regular rate of pay after 9 hours per day and 45 hours per week except for workers performing services through CA's IHSS program.

If workers spend over 20% of work hours on certain housekeeping tasks as described by CA DLSE they are not subject to the CA overtime exemption, however.

see, CA DIR DLSE Op. Ltr (Nov. 23, 2005), available at <http://www.dir.ca.gov/dlse/opinions/2005%2D11%2D23.pdf>

<p>Colorado \$7.78/hour</p>	<p>Colorado minimum wage and overtime law exempts “companions” employed by private households or family members. Colorado Minimum Wage Order No. 29 § 5; 7 <i>Colo. Code Regs.</i> § 1103-1:5.</p> <p>Note that CO Dept. of Labor & Employ. Labor Division Advisory Bulletin (2012) is unclear whether exemption is limited to workers hired solely by private household. In one place it states: “Companions are exempt from all provisions of Wage Order 28 pursuant to Section 5.” In another, it reiterates the language from the regs, which includes the limiting phrase “employed by private households and family members”. Fact sheet on website also lists “companions” under exemptions.</p>	<p>Third party-employed aides are covered by federal minimum and overtime laws, by CO minimum wage of \$7.78/hour and by CO overtime law providing time-and-a-half the regular rate of pay for hours over 12 per day or 40 per week. Aides employed solely by private household are covered by federal minimum wage and overtime after 40 hours in a workweek , and also potentially by state laws as described above, if state law defines “companion” consistent with revised federal definition.</p>
<p>Connecticut \$8.25/hour</p>	<p>The Connecticut Minimum Wage Act excludes workers employed in “domestic service in or about a private home, except any individual in domestic service employment as defined in [the FLSA regulations]”. Conn. Gen. Stat. § 31-58(f). CT DOL takes the position that the CT MWA covers domestic workers to the same extent as the FLSA.</p>	<p>Home care workers covered under federal minimum wage and overtime law, and should be covered under CT minimum wage of \$8.25/hour and by CT overtime law because CT explicitly tracks FLSA.</p>
<p>Delaware</p>	<p>Delaware minimum wage law exempts individuals employed in domestic service in private homes. 19 Del. C. § 901(5). Additional exclusion for workers employed in “domestic help” occupations. 19 Del. C. § 101 (5)(b).</p>	<p>Home care workers covered only under federal minimum wage and overtime law.</p>
<p>District of Columbia \$8.25/hour</p>	<p>DC minimum wage law has no relevant exemptions. DC overtime law exempts “private household worker[s] who live on the premises of the employer” and “companions to the aged and infirm”. <i>D.C. Mun. Regs. tit. 7, § 902.5(b)</i>.</p>	<p>Home care workers covered by federal minimum wage and overtime and by DC minimum wage of \$8.25/hour. Potential to gain DC overtime rights if “companions” interpreted consistent with revised federal definition, but likely continued exemption from DC overtime for live-in workers employed solely by private household.</p>
<p>Florida \$7.79/hour</p>	<p>Florida minimum wage law incorporates the FLSA exemptions. Fla. Stat. § 448.110 (3).</p>	<p>Home care workers covered by federal minimum wage and overtime law. Home care workers should be covered by Florida minimum wage law providing \$7.79/hour, because the state law</p>

		incorporates the FLSA definitions.
Georgia	Georgia minimum wage law exempts employers of domestic services. GA Code Ann. § 34-4-3(b)(3). Additional exemption for employers with five employees or less. Id at (b)(2).	Home care workers covered only by federal minimum wage and overtime law.
Hawaii	Hawaii minimum wage law exempts workers employed in the employer’s home to provide “companionship services”. Additional exemption for workers employed by family members. Haw. Rev. Stat. § 387-1 (3), (5), as amended by the Hawaii Domestic Worker Bill of Rights, HI LEGIS 248 (2013).	Home care workers covered by federal minimum wage and overtime law. Third party-employed workers covered also by HI minimum wage and overtime law. Home care workers employed solely by private household probably remain exempt from HI minimum wage and overtime law.
Idaho	Idaho minimum wage law exempts “employees engaged in domestic service”. Idaho Code § 44-1504(2). Idaho overtime law follows FLSA. Idaho Code § 44-1504.	Home care workers covered by federal minimum wage and overtime but remain subject to exemption in ID minimum wage law for domestic service employees.
Illinois \$8.25/hour	Illinois law provides minimum wage and overtime coverage for home care workers, but exempts those employed solely by private households as a result of exemption for employers with fewer than four employees. 820 Ill. Comp. Stat. § 105/3(d). Although the statute contains an exemption for “domestic service employees,” regulations state that exemption does not include workers whose primary duty is to be a companion to or perform health care services for an aged or infirm person. 820 Il. Comp. Stat. §105/3(d); 56 Il Admin Code § 210.110.	Home care workers are covered by federal minimum wage and overtime law, and by IL minimum wage of \$8.25 and IL overtime law. Home care workers employed solely by private household (unless 4+ employees in household) are not covered under IL law.
Indiana	Indiana minimum wage law exempts employees who provide “companionship services” as defined in federal regulations at 29 CFR §552.6 and who are employed by agency or other third-party employer, also as defined in federal regulations at 29 CFR §552.109(a). Ind. Code Ann. § 22-2-2-4(i)(1). Also exempted are employers of less than 2 employees and employers who are subject to the FLSA. Ind. Code Ann. § 22-2-2-3. But, regulations also provide that “[n]o employer shall employ any employee in domestic service in one (1) or more households for a work week	Home care workers covered only by federal minimum wage and overtime. Continued exemption from IN minimum wage law due to exemptions for employers covered by FLSA and for employers with fewer than 2 employees.

	longer than forty (40) hours unless the employee receives compensation for that employment.” Ind. Code Ann. § 22-2-2-4(s).	
Iowa	Iowa minimum wage law excludes employees “employed in domestic service employment to provide companionship services.” 875 IAC 215.4 (91D)(14).	Home care workers covered only by federal minimum wage and overtime.
Kansas	<p>Kansas minimum wage and overtime law excludes employers subject to the provisions of the FLSA. Kan. Stat. Ann. § 44-1202(d). It also excludes any individual in domestic service employment. Kan. Stat. Ann. § 44-1202(e).</p> <p>Regulations define domestic service as the work of individuals employed by a homeowner to clean, maintain, or repair a home—but it does not include an individual employed by a person contracting to perform the service. Kan. Admin. Reg. § 49-30-1(h).</p>	Home care workers covered by federal minimum wage and overtime laws. Home care workers who are now covered by the FLSA will be exempt from the KS minimum wage and overtime laws.
Kentucky	<p>Kentucky minimum wage and overtime law exempts “[a]ny individual employed as a companion by a sick, convalescing, or elderly person or by the person’s immediate family, to care for that sick, convalescing, or elderly person and whose principal duties do not include housekeeping”. Ky. Rev. Stat. Ann. § 337.010 (2)(a)(4),(7), and (12).</p> <p>Other exemptions include: “any individual employed in domestic service in or about a private home”, but domestic workers are covered by the MW law if their employer regularly employs more than one domestic worker. Ky. Rev. Stat. Ann. § 337.010(2)(a)(4). State overtime law also exempts workers who are exempted from the FLSA’s overtime provisions. KRS § 337.285 (2)(c).</p>	Home care workers covered by federal minimum wage and overtime laws but probably remain exempt from KY minimum wage and overtime laws.
Louisiana	Louisiana has no state minimum wage or overtime law	Home care workers covered only by federal minimum wage and overtime law.
Maine \$7.50/hour	Maine minimum wage law has no relevant exemptions. Me. Rev. Stat. Ann. tit. 26, §§ 663, 664.	Home care workers covered by federal and overtime protections, and by ME minimum wage rate of \$7.50/hour and ME overtime law.
Maryland	Maryland minimum wage law has no relevant exemptions.	Home care workers covered by federal and MD minimum wage

	MD overtime law exempts workers employed by non-profit agencies. Md. Code Ann., Lab. & Empl. § 3-415.	and overtime laws, except for employees of nonprofits, who are only covered under federal law for purposes of overtime pay.
Massachusetts \$8.00/hour	Massachusetts minimum wage and overtime law has no relevant exemptions. Mass. Gen. Laws ch. 151, § 1.	Home care workers covered by federal minimum wage and overtime protections, and by MA minimum wage rate of \$8.00/hour and by MA overtime law.
Michigan \$7.40/hour	Michigan minimum wage and overtime law explicitly covers individuals “employed in domestic service employment to provide companionship services as defined in 29 CFR 552.6 ... but exempts “live-in domestic service employee[s] as described in 29 CFR 552.102 .” <i>Mich. Comp. Laws</i> § 408.394(2)(a). Minimum wage only applies to employers with two or more employees. <i>Mich. Comp. Laws</i> § 408.382(c).	Home care workers covered by federal minimum wage and overtime protections. Most workers also covered by MI state minimum wage of \$7.40/hour and by MI overtime law, except for: (1) live-in workers and (2) workers who are the only employee of their employer.
Minnesota	Minnesota minimum wage and overtime law has no relevant exemptions. Minn. Stat. § 177.23. But, note provision stating that nighttime hours where employee is available to provide services but does not actually do so need not be compensated. Minn. Stat. § 177.23(11).	Home care workers covered by federal and MN minimum wage and overtime laws.
Mississippi	Mississippi has no state minimum wage or overtime law.	Home care workers covered only by federal minimum wage and overtime laws.
Missouri \$7.35/hour	Home care workers covered by Missouri minimum wage law but some casual workers are exempt from state protections due to an exemption for workers employed in a “private residence on an occasional basis for six hours or less on each occasion”. Mo. Rev. Stat. § 290.500(3)(f). Overtime law excludes employees who are exempt from federal FLSA minimum wage or overtime requirements. Mo. Rev. Stat. § 290.505(3). http://www.moga.mo.gov/statutes/C200-299/2900000505.HTM Regulations specify that the state DOL will follow the US DOL’s regulations interpreting the FLSA. 8 CSR § 30-4.010.	Home care workers covered by federal minimum wage and overtime law, and by and MO minimum wage rate of \$7.35/hour and MO overtime. Limited exemption from MO minimum wage law for workers employed on a casual basis for 6 hours or less per visit.
Montana	Montana minimum wage and overtime law exempts employees who provide companionship services as defined in 29 § CFR 552.6 when the person providing the service is employed directly by a family member or an individual who	Home care workers covered by federal minimum wage and overtime, and by MT minimum wage and overtime laws to the same extent as under federal law.

	is a legal guardian. Mont. Code Ann. § 39-3-406(1)(p).	
Nebraska	No relevant exemptions for home care workers in Nebraska minimum wage law. Nebraska has no state overtime law. <i>Neb. Rev. Stat. §§ 48-1202, 48-1203.</i>	Home care workers covered by federal minimum wage and overtime law and by NE minimum wage law.
Nevada \$8.25/hour if no employer-provided health insurance	Nevada minimum wage and overtime law exempts employees “who reside in the household where they work” but covers all other home care workers. <i>Nev. Rev. Stat. § 608.250(2)(b).</i>	Home care workers covered under federal and NV minimum wage and overtime law, but live-in workers exempt from NV minimum wage and overtime law.
New Hampshire	New Hampshire minimum wage law exempts domestic labor. N.H. Rev. Stat. Ann. Ch. 279 § 21(I). Overtime law exempts any employee of employers covered under the provisions of FLSA. N.H. Rev. Stat. Ann. Ch. 279 § 21(VII)(b).	Home care workers covered only by federal minimum wage and overtime law.
New Jersey	New Jersey minimum wage and overtime law covers all home care workers. No relevant exemptions. N.J. Stat. Ann. § 34:11-56a <i>et seq.</i>	Home care workers covered by federal and NJ minimum wage and overtime laws.
New Mexico \$7.50/hour	New Mexico minimum wage and overtime law exempts domestic service employees employed in a home. N.M. Stat. Ann. § 50-4-21(C)(1).	Home care workers covered only by federal minimum wage and overtime law.
New York	New York minimum wage law covers all home care workers. N.Y. Labor Law § 651 (5). Overtime coverage for all home care workers but workers employed directly by private households receive overtime at the full rate of time-and-a-half of the regular rate of pay and workers who are subject to the FLSA companionship exemption and employed by agencies receive overtime at a reduced rate of time-and-a-half of the NY minimum wage. N.Y. Labor Law §§ 2(16), 170; N.Y. Comp. Codes R. & Regs. tit. 12, § 142-2.2. Overtime coverage for live-in workers after 44 hours/week (rather than the usual 40 hours) at the same rates detailed above. Id.	Home care workers covered by federal minimum wage and overtime, by NY minimum wage, and by NY overtime law except that live-in workers receive overtime after 44 hours/week (rather than 40 hours) under NY law.
North Carolina	North Carolina minimum wage and overtime law exempts “any person employed as a domestic, including... companions, as defined under the Fair Labor Standards Act.” N.C. Gen. Stat. § 95-25.14(a)(3).	Home care workers covered by federal minimum wage and overtime laws. Coverage under NC law is unclear: home care workers may remain excluded from NC minimum wage and overtime law due to exemption for “any person employed as a

		domestic”.
North Dakota	North Dakota minimum wage law covers home care workers but provides that nighttime hours where employee is available to provide services but does not actually do so need not be compensated. N.D. Cent. Code § 34-06-03.1. ND overtime law exempts all “employees in domestic service.” N.D. Admin. Code § 46-02-07-02(4)(d). A poster issued by the ND DOL specifies that the overtime law exempts domestic service employees who “reside in the household in which employed” and employees providing companionship services who spend 20% or less of their weekly hours on household work (cleaning, laundry, meal preparation).	Home care workers covered under federal minimum wage and overtime law and by ND minimum wage law.
Ohio \$7.85/hour	Ohio minimum wage law excludes “individuals who are exempted from the minimum wage requirements in 29 U.S.C. 213” but the state constitution does <i>not</i> exclude companions. Overtime law similarly adopts FLSA exemptions. Oh. Rev. Code Ann. § 4111.03(A). Additional overtime exemption for live-in companions. Id., (D)(3)(d).	Home care workers covered under federal and OH minimum wage and overtime laws, though continued exemption from OH overtime law for live-in workers.
Oklahoma	Oklahoma minimum wage law exempts employers subject to the FLSA. Okla. Stat. tit. 40 § 197.4(e)(7). It also exempts any individual employed in domestic service in or about a private home. Okla. Stat. tit. 40 §197.4(e)(2).	Home care workers covered only by federal minimum wage and overtime laws.
Oregon \$8.95/hour	Oregon minimum wage law exempts workers engaged in domestic service employment to provide companionship services to elderly, infirm or disabled persons in a family home. Or Rev. Stat. § 653.020(14). It also exempts individuals employed in domestic service on a casual basis in or about a family home. Or Rev. Stat. § 653.020(2). Statute does not reference the federal regulations but the regulation defining “companionship services” at OAR § 839-020-0004 is identical to the definition in § 29 CFR 552.6, and an OR DOL fact sheet explicitly references the federal regulations.	Home care workers are covered by federal minimum wage and overtime law. Workers may gain coverage under OR minimum wage and overtime laws if OR interprets the companionship exemption consistent with federal law.
Pennsylvania	Pennsylvania minimum wage and overtime law exempts employment in “[d]omestic services in or about the private home of the employer” Pa. Stat. Ann. § 333.105(a)(2).	Home care workers covered by federal minimum wage and overtime laws. Third party-employed workers covered by PA minimum wage and overtime law but workers employed solely by private household exempt from PA law.

Puerto Rico	Puerto Rico minimum wage and overtime law exempts domestic service employees. 29 L.P.R.A. §§ 250(f), 285.	Home care workers covered only by federal minimum wage and overtime law.
Rhode Island \$7.75/hour	Rhode Island minimum wage and overtime law exempts any individual employed in domestic service in or about a private home. R.I. Gen. Laws § 28-12-2(5)(i).	Home care workers covered only by federal minimum wage and overtime law.
South Carolina	South Carolina has no state minimum wage or overtime law.	Home care workers covered only by federal minimum wage and overtime law.
South Dakota	South Dakota minimum wage law has no relevant exemption. SD has no overtime law. S.D. Codified Laws §§ 60-11-3, 60-11-5.	Home care workers covered by federal minimum wage and overtime law and by SD minimum wage law.
Tennessee	Tennessee has no state minimum wage or overtime law.	Home care workers covered only by federal minimum wage and overtime law.
Texas	Texas minimum wage law exempts persons covered by the FLSA. Tex. Lab. Code § 62.151. It also exempts persons performing domestic service in or about a private home, and persons living in a private home and furnishing personal care for a resident of that home. Tex. Lab. Code § 62.154(2). Texas has no overtime law.	Home care workers covered only by federal minimum wage and overtime law.
Utah	Utah minimum wage law exempts any employee entitled to minimum wage under the FLSA. Utah Code Ann. § 34-40-104(1)(a). It also exempts persons providing companionship service for persons who, because of age or infirmity, are unable to care for themselves. Utah Code Ann. § 34-40-104(1)(d). The state law is interpreted consistently with FLSA. Utah Code Ann. § 34-40-102(1).	Home care workers covered only by federal minimum wage and overtime law.
Vermont \$8.60/hour	Vermont minimum wage law exempts anyone employed in domestic service in a private home. Vt. Stat. Ann. tit. 21 § 383(2)(B). Overtime law exempts domestic workers. Vt. Stat. Ann. tit. 21 § 384(b).	Home care workers covered only by federal minimum wage and overtime law.
Virginia	Virginia minimum wage law exempts persons whose employment is covered by the FLSA. Va. Code Ann. § 40.1-28.9(B)(12). It also exempts persons employed in domestic service or in or about a private home. Va. Code Ann. § 40.1-28.9(B)(2).	Home care workers covered only by federal minimum wage and overtime law.

Washington \$9.19/hour	Washington minimum wage and overtime law exempts workers “employed in casual labor in or about a private home, unless performed in the course of the employer's trade, business, or profession” and workers who sleep or reside in their place of employment. Wash. Rev. Code § 49.46.010(3)(b), (j). Other home care workers are covered under WA minimum wage and overtime law.	Home care workers covered under federal and WA minimum wage and overtime protections, but live-in and some casual workers are exempt from state coverage.
West Virginia	West Virginia minimum wage law applies only to employers that employ, during any calendar week, six or more employees at any one permanent location. The law also exempts employers if 80% of their employees are subject to FLSA. W.Va. Code §21-5C-1(e).	Home care workers covered only by federal minimum wage and overtime law.
Wisconsin	Wisconsin minimum wage law exempts workers who provide companionship services on a live-in basis who spend less than 15 hours a week on general household work. Wis. Admin. Code § 272.06(2). WI overtime law exempts domestic service employees employed in a household by a household. Wis. Admin. Code § 274.015. The overtime law also exempts workers employed by non-profit organizations. Wis. Admin. Code §§ 274.015, 274.01.	Home care workers covered by federal minimum wage and overtime law. Workers covered under WI minimum wage, unless they are live-in and spend less than 15 hours per week on household work, and by WI overtime, unless they are directly employed by the household or are employed by a non-profit organization.
Wyoming	Minimum wage law exempts individuals employed in domestic service in or about the home. Wyo. Stat. Ann. § 27-4-201(a)(iv)(B).	Home care workers covered only by federal minimum wage and overtime law.

For more information about the federal companionship rules change and the state laws pertaining to home care workers, contact Sarah Leberstein, sleberstein@nelp.org or Catherine Ruckelshaus, cruckelshaus@nelp.org at NELP.