



New York State Department of Labor  
Division of Labor Standards

**Guidelines for Household Employers and Domestic Workers**

**I. Summary of the Minimum Wage Order for Miscellaneous Industries and Occupations: Effective July 24, 2009**

**A. Minimum Hourly Rate**

<u>Hourly Amount</u>	<u>Effective Date</u>
\$6.00	on and after January 1, 2005
\$6.75	on and after January 1, 2006
\$7.15	on and after January 1, 2007
\$7.25	on and after July 24, 2009

**B. Overtime Hourly Rates**

1. Non-residential domestic workers:  
1 1/2 times the regular rate after 40 hours
2. Residential domestic worker:

<u>Hourly Amount</u>	<u>Effective Date</u>
\$9.00 an hour after 44 hours	on and after January 1, 2005;
\$10.125 an hour after 44 hours	on and after January 1, 2006;
\$10.725 an hour after 44 hours	on and after January 1, 2007,
\$10.88 an hour after 44 hours	on and after July 24, 2009.

**C. Daily Call-In Pay**

If the employer requests or permits an employee to report for work on any day, the employee is paid at the basic minimum wage for

1. At least four hours or
2. the number of hours in the regularly scheduled shift  
whichever is less.

**D. Additional Daily Rate for Split Shift and Spread of Hours**

On any day when an employee works a split shift and/or a spread of hours that exceeds 10 hours, the employer must pay an additional hour's pay at the basic minimum hourly wage rate.

**E. These Occupations are Excluded from Minimum Wage Coverage:**

1. Part-time baby sitter in the home of the employer;
2. Someone who lives in the home of an employer as a companion to a sick, convalescing or elderly person. Their principal duties do not include housekeeping.

**F. Allowances for Meals and Lodging**

Meals and lodging furnished to an employee may be considered part of the minimum wage. They may not be valued at more than:

	<u>1/1/05</u>	<u>1/1/06</u>	<u>1/1/07</u>	<u>7/24/09</u>
Meals, Per Meal	\$2.05	\$2.30	\$2.45	\$2.50
Lodging, Per Day	\$2.55	\$2.90	\$3.05	\$3.10
Apartment, Per Day	\$4.80	\$5.40	\$5.70	\$5.80

**G. Uniforms**

If the employer fails to launder required uniforms, they must pay an additional amount per week as follows:

<u>If the employee works:</u>	<u>1/1/05</u>	<u>1/1/06</u>	<u>1/1/07</u>	<u>7/24/09</u>
more than 30 hours	\$7.45	\$8.40	\$8.90	\$9.00
more than 20 and less than 30 hours	\$5.90	\$6.60	\$7.00	\$7.10

**H. Working Time of Residential Employees**

This does not include normal sleeping hour solely because an employee is required to be on call during that time. It also does not include any time when an employee is free to leave the place of employment.

## I. Record and Wage Statements

Employers must keep a correct, accurate record for six years showing

- daily and weekly hours worked
- wage rate
- gross wages
- allowances, if any, claimed as part of the minimum wage
- deductions from wages and
- net wages.

These records must be furnished for examination on the premises where employees work.

Employees must receive a wage statement with each payment of wages listing

- hours worked
- rates paid
- gross wages
- allowances, if any, claimed as part of the minimum wage
- deductions from wages and
- net wages

## II. Summary of Other Labor Law Provisions

### A. Payment of Wages

Domestic workers who do manual work must be paid not later than seven days after the end of the week in which wages are earned. Clerical and other workers must be paid at least semi-monthly.

### B. Unpaid Wages and Wage Supplements (Fringe Benefits)

Employees can contact the Department of Labor for help if:

- they are not paid minimum wage
- have claims for unpaid wages
- an employer did not provide wage supplements for which there is an agreement
  - Wage supplements include, but are not limited to:
    - vacation or holiday pay
    - paid sick leave and
    - reimbursement for expenses

### C. Meal Periods

An employee whose work shift is more than six hours and includes the noonday meal period (11:00 a.m. to 2:00 p.m.) must get at least 30 minutes off to eat during the meal period.

If a shift or period starts before 11:00 a.m. and ends later than 7:00 p.m., the employee must have a second meal period. It must be at least 20 minutes long. It must be between 5:00 p.m. and 7:00 p.m.

### D. Employment of Minors

Domestic workers less than 18 years of age require an employment certificate.

- Baby sitters and minors doing casual employment do not need a certificate.
- Minors under 14 may not be employed.

### E. Unemployment Insurance

Employers who pay \$500.00 or more in any calendar quarter for household services must have Unemployment Insurance coverage for their workers. For more information, contact the Unemployment Insurance office or Telephone Claims Center nearest you.

### F. Workers' Compensation and Disability Benefits

Domestics who work for 40 hours or more in a week for the same employer must have Workers' Compensation and Disability Benefits. Contact the nearest office of the Workers' Compensation Board for more information. Their offices are in New York City, Hempstead, Albany, Buffalo, Binghamton, Rochester and Syracuse.

**For more information or a copy of the wage order for domestic workers, contact one of the Division of Labor Standards offices listed below:**

#### **Albany District**

State Office Campus  
Bldg. 12, Rm. 185A  
Albany, NY 12240  
(518) 457-2730

#### **Binghamton District**

Sub-District  
44 Hawley St, Rm. 909  
Binghamton, NY 13901  
(607) 721-8014

#### **Buffalo District**

65 Court St, Rm. 202  
Buffalo, NY 14202  
(716) 847-7141

#### **Garden City**

400 Oak St, Suite 101  
Garden City, NY 11530-6551  
(516) 794-8195

#### **New York City District**

75 Varick St, 7th Floor  
New York, NY 10013  
(212) 775-3880

#### **Rochester**

Sub-District  
109 South Union St, Rm. 318  
Rochester, NY 14607  
(585) 258-4550

#### **Syracuse District**

333 East Washington St, Rm. 121  
Syracuse, NY 13202  
(315) 428-4057

#### **White Plains District**

120 Bloomingdale Rd  
White Plains, NY 10605  
(914) 997-9521