Pennsylvania
Department of Labor & Industry



Home Care Workers' Rights Under the PA Minimum Wage Act

Workers Employed By Agencies Must Receive Minimum Wage and Overtime Pay

Home care workers such as home health aides, personal care aides, and other workers who work for an agency or other third-party to perform care work in a private home are protected by Pennsylvania's Minimum Wage Act.

Paid for Every Hour Worked

If you are assigned to multiple clients in a workweek, all of the hours worked in that workweek must be combined. For example, if you work 30 hours for Client A and 20 hours for Client B through the same agency, you are entitled to 10 hours of overtime that week.

You must be paid for all the time you are required to be on premises and are on-duty (not completely relieved of responsibilities). This means that even if your client is sleeping or otherwise occupied, you are still entitled to payment for those on-duty hours.

For shifts of less than 24 hours, your employer cannot deduct for "sleep time."

You must be paid for time spent traveling between clients during the workday. (Not regular home-to-work and work-to-home commuting.)

Know Your Rights under the Minimum Wage Act

- You must be paid at least the minimum wage for every hour worked.
- You must receive overtime pay when you work over 40 hours in a workweek. This means you must be paid time-and-a-half your regular rate of pay for every hour worked over 40 worked in workweek and your employer most likely cannot lower your pay rate during weeks in which overtime is worked.
- For example, if you are paid $10 per hour for the first 40 hours of work in a week, you must be paid $15 per hour for every hour over 40 in that workweek.
- You are protected against retaliation. For example, this means your employer cannot fire you, threaten you, or cut your hours because you made a complaint about your pay.

Pennsylvania
Department of Labor & Industry



Home Care Workers' Rights Under the PA Minimum Wage Act

Workers Employed By Agencies Must Receive Minimum Wage and Overtime Pay

Myths

- Getting paid a salary, a daily rate, or by the shift does not mean you are exempt from overtime pay.
- Even if you sign a contract stating you agree to a change rate, a flat rate, straight-time pay, or no overtime for hours over 40, you may still be entitled to overtime pay.
- Most people who work for a company are employees. Even if your employer gives you an IRS form 1099, tells you to sign a form, or calls you an independent contractor, you may still be an employee under state law and entitled to minimum wage and overtime pay.
- Your hourly pay rate generally should not go down just because you worked overtime. For example, if you are paid $15 per hour in weeks that you work no overtime, but only $10 per hour in weeks when you do work overtime, you may be owed additional wages.



Questions/Complaints

Learn more about the Minimum Wage Act at L&I's BLLC page, including how to submit a complaint and FAQs.

You can contact the Bureau of Labor Law Compliance at LaborLaw@pa.gov or by phone at 1-800-932-0665. Free interpretation services are available.