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Department of Labor

# HOME CARE AIDE

## Minimum Wage

Beginning October 1, 2022, through Public Health Law § 3614c, the minimum wage for home care aides was increased to \$17.00 per hour in New York City, Long Island, and Westchester, and \$15.20 per hour for the remainder of New York State.

Wages increased again on December 31, 2022, as the statewide minimum wage increased for all of those outside of New York City, Westchester, and Long Island. Home care aides working outside of those locations earned an additional dollar per hour.

Effective January 1, 2024, the rates throughout the state will increase as shown in the chart below.

### Minimum Wage Rate Schedule

| Location                    | Minimum Wage for Home Care Aides as of 10/01/2022 | Minimum Wage for Home Care Aides as of 12/31/2022 | Minimum Wage for Home Care Aides as of 1/1/2024 | Minimum Wage for Home Care Aides as of 1/1/2025 | Minimum Wage for Home Care Aides as of 1/1/2026 |
|-----------------------------|---|---|---|---|---|
| New York City               | \$17.00   | \$17.00   | \$18.55   | \$19.10   | \$19.65   |
| Long Island & Westchester   | \$17.00   | \$17.00   | \$18.55   | \$19.10   | \$19.65   |
| Remainder of New York State | \$15.20   | \$16.20   | \$17.55   | \$18.10   | \$18.65   |

Under Public Health Law § 3614c, “home care aide” means a home health aide, personal care aide, home attendant or other licensed or unlicensed person whose primary responsibility includes the provision of in-home assistance with activities of daily living, instrumental activities of daily living or health-related tasks; provided, however, that home care aide does not include any individual (i) working on a casual basis, or (ii) who is a relative through blood, marriage or adoption of: (1) the employer; or (2) the person for whom the worker is delivering services, under a program funded or administered by federal, state or local government.

Home care aides may be owed extra pay in addition to minimum wage rates for:

- **Overtime** - Home care aides must be paid 1½ times their regular rate of pay for weekly hours over 40 (or 44 for residential employees).
- **Call-in pay** - If home care aides go to work as scheduled and their employer sends them home early, they may be entitled to extra hours of pay at the minimum wage rate for that day.
- **Spread of hours** - If a home care aides workday lasts longer than ten hours, they may be entitled to extra daily pay. The daily rate is equal to one hour of pay at the minimum wage rate.
- **Uniform maintenance** - If home care aides clean their own uniform, they may be entitled to additional weekly pay.

The only time an employer may reduce wages below minimum wage is to claim a limited allowance for meals and lodging, provided they do not charge for those services.

Visit [dol.ny.gov/minimum-wage-0](https://dol.ny.gov/minimum-wage-0) for additional information and to download the Home Care Aide Minimum Wage posters, which employers must post in plain view for employees.