



STATE OF NEW YORK
DEPARTMENT OF LABOR
DIVISION OF LABOR STANDARDS

LABOR LAW INFORMATION
FOR
HOUSEHOLD EMPLOYERS AND DOMESTIC WORKERS

I. SUMMARY OF THE MINIMUM WAGE ORDER FOR
MISCELLANEOUS INDUSTRIES AND OCCUPATIONS
EFFECTIVE JANUARY 1, 2005

A. MINIMUM HOURLY RATE

\$6.00 an hour on and after January 1, 2005; \$6.75 an hour on and after January 1, 2006; \$7.15 an hour on and after January 1, 2007.

B. OVERTIME HOURLY RATES

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

C. DAILY CALL-IN PAY

An employee who by request or permission of the employer reports for work on any day shall be paid for at least four (4) hours, or the number of hours in the regularly scheduled shift, whichever is less, at the basic minimum hourly wage.

D. ADDITIONAL DAILY RATE FOR SPLIT SHIFT AND SPREAD OF HOURS

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

E. THE FOLLOWING 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 for the purpose of serving as a companion to a sick, convalescing or elderly person and whose 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 but may not be valued at more than:

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

G. UNIFORMS

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

	<u>1/1/05</u>	<u>1/1/06</u>	<u>1/1/07</u>
If the employee works more than 30 hours -	\$7.45	\$8.40	\$8.90
more than 20 and less than 30 hours -	\$5.90	\$6.60	\$7.00

SUMMARY OF THE MINIMUM WAGE ORDER (continued)

- H. WORKING TIME OF RESIDENTIAL EMPLOYEES** - Does not include normal sleeping time solely because an employee is required to be on call during such time, nor does it include any time when an employee is free to leave the place of employment.
- I. RECORD AND WAGE STATEMENTS** - Employers must keep and preserve for six years a true and accurate record of 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. Such records must be furnished for examination on the premises where employees work. A wage statement must be given to employees 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)

Persons who have not been paid minimum wages or who have claims for unpaid wages may obtain assistance from the Labor Department in collecting such wages. Assistance may also be obtained when an employer has not provided 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 who works a shift of more than six hours which extends over the noonday meal period (11:00 to 2:00 p.m.) is entitled to at least thirty minutes off within that period for the meal period. Every person employed for a period or shift starting before eleven o'clock in the morning and continuing later than seven o'clock in the evening shall be allowed an additional meal period of at least twenty minutes between five and seven o'clock in the evening.

D. EMPLOYMENT OF MINORS

An employment certificate is required for domestic workers under 18 years of age, except for baby sitters and minors engaged in casual employment. 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 provide Unemployment Insurance coverage for their workers. For future information, contact the Unemployment Insurance office or Telephone Claims Center nearest you.

F. WORKERS' COMPENSATION AND DISABILITY BENEFITS

Domestics who work a minimum of 40 hours a week for the same employer must be covered for Workers' Compensation and Disability Benefits. For future information, contact the nearest office of the Workers' Compensation Board. They have offices in New York City, Hempstead, Albany, Buffalo, Binghamton, Rochester and Syracuse.

FOR FUTURE 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, Room 185A
Albany, NY 12240
(518) 457-2730

BINGHAMTON DISTRICT

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

BUFFALO DISTRICT

65 Court Street
Room 202
Buffalo, NY 14202
(716) 847-7141

GARDEN CITY

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

NEW YORK CITY DISTRICT

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

ROCHESTER

Sub-District
109 South Union Street
Room 318
Rochester, NY 14607
(585) 258-4550

SYRACUSE DISTRICT

333 East Washington Street
Room 121
Syracuse, NY 13202
(315) 428-4057

WHITE PLAINS DISTRICT

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