



California Domestic Worker Overtime Rules

The following rules apply to domestic workers in California who work in private homes. The overtime a domestic worker is entitled to depends on the type of work they do, how they are hired and whether they live in or out of their employer's home. To determine which rules apply, first identify what category of domestic worker your employee falls under. (Categories include personal attendant, domestic worker who is not a personal attendant, or companion.) Then check if your employee falls into any of the exempted worker types. If they are not exempted, follow the rules that apply to the category that pertains to your employee.

Domestic Worker Categories



Domestic workers

Domestic workers work in private homes and are hired either directly by a family or through an agency. Domestic workers are nannies, childcare providers in private homes, homecare workers or attendants to people with disabilities and older adults,[1] housecleaners, cooks and gardeners.

Personal Attendants

Under state law, someone who works in a private home and provides services such as supervising, dressing, or feeding an older adult, a child, or a person with a disability of any age, and who spends no more than 20% of their workweek on general housekeeping duties, like cleaning, cooking, laundry, or making beds, is considered a "personal attendant." A domestic worker is NOT considered a "personal attendant" if they spend more than 20% of their time on general housekeeping duties, like cleaning, cooking, laundry, or making beds.

[1] Other terms for homecare worker include caregiver, personal care assistant, homecare attendant, home attendant, personal attendant, and home health aide.

Companions

Under federal law, “companions” are homecare workers or caregivers who spend the majority of their time providing “fellowship and protection” to older adults and people with disabilities. This work includes activities such as spending time in conversation, reading, playing games, or accompanying the person on walks, errands, appointments or social events. Companions do not spend more than 20% of the workweek providing assistance with daily care activities like dressing/grooming, transferring, bathing, and meal preparation.



Worker Exemptions

The following workers are excluded from CA state overtime laws (which require overtime pay after 8 or 9 hours in a day) and weekly overtime (over 40 or 45 hours in a week):

- Casual babysitters and babysitters under the age of 18
- The employer’s parent, grandparent, spouse, sibling or child
- Personal attendants working for In-Home Supportive Services (IHSS) program recipients or paid through the Department of Developmental Services
- Certain childcare providers working for families that receive state childcare funds

These workers may be entitled to overtime under federal law (which provides overtime at the rate of 1.5 x Regular Rate of Pay after 40 hours in a week) as long as they are not companions or live-in domestic workers hired directly by the household. (For example, In-Home Supportive Services workers are entitled to federal overtime laws.)

Overtime Rules

Both federal and state laws provide coverage to domestic workers. Together, these laws provide overtime coverage to domestic workers in California except casual babysitters. Below is a combination of federal and state overtime laws that reflects the greatest worker protections that employers must follow.

Non-Personal Attendant Domestic Workers

Non-Live-In Employee

- 1.5 x the Regular Rate of Pay (see calculation instructions below):
 - After 8 hours in a day.
 - After 40 hours in a week
 - First 8 hours on the 7th consecutive day.
- 2 x the Regular Rate of Pay:
 - After 12 hours in a day.
 - After 8 hours on the 7th consecutive day

Live-In Employee

Hired Directly by Household

- 1.5 x Regular Rate of Pay for work over 9 hours in a day.
- On the 6th and 7th consecutive days:
 - 1.5 x Regular Rate of Pay for the first 9 hours of work.
 - 2 x regular rate after 9 hours.

Hired Through an Agency

- 1.5 x Regular Rate of Pay after 9 hours in a day and/or 40 hours in a week.
- On the 6th and 7th consecutive days:
 - 1.5 x Regular Rate of Pay for the first 9 hours of work.
 - 2 x Regular Rate of Pay after 9 hours.

Personal Attendant

Non-Live-In Employee:

- 1.5 x Regular Rate of Pay:
 - After 9 hours in a day.
 - After 40 hours in a week

Live-In Employee:

Hired Directly by Household

- 1.5 x Regular Rate of Pay:
 - After 9 hours in a day.
 - After 45 hours in a week

Hired Through an Agency

- 1.5 x Regular Rate of Pay:
 - After 9 hours in a day.
 - After 40 hours in a week



Companions, who also meet the definition of Personal Attendant

Non-Live-In Employee:

Hired Directly by Household

- 1.5 x Regular Rate of Pay:
 - After 9 hours in a day.
 - After 45 hours in a week

Hired Through an Agency

- 1.5 x Regular Rate of Pay:
 - After 9 hours in a day.
 - After 40 hours in a week

Live-In Employee:

Hired Directly by Household

- 1.5 x Regular Rate of Pay:
 - After 9 hours in a day.
 - After 45 hours in a week

Hired Through an Agency

- 1.5 x Regular Rate of Pay:
 - After 9 hours in a day.
 - After 40 hours in a week

Regular Rate of Pay is calculated as follows:

- If the worker is paid on an hourly basis, the hourly rate is the Regular Rate of Pay. (Example: if the worker is paid \$15/hour, then \$15 is the Regular Rate of Pay.)
- If the worker is paid a daily rate, calculate the Regular Rate of Pay by dividing the daily rate by 8 hours (for non-personal attendants) or by 9 hours (for personal attendants). (Example: if the worker is paid \$150/day and they are a personal attendant, then their Regular Rate of Pay is $\$150/9=\16.67 .)
- If the worker is paid a monthly rate, calculate the Regular Rate of Pay by multiplying the monthly rate by 12, then divide by 52, then divide by the number of hours worked per week (not to exceed non-overtime hours).
- Note that if a worker is provided a bonus or other compensation, this could impact the Regular Rate of Pay calculation.



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