

November 3, 2014

**Subject: Official Notice of Home Care Worker Wage Parity Minimum Rate of Total Compensation**

Dear Administrator:

The purpose of this letter is to provide all certified home health agencies (CHHAs), long term home health care programs (LTHHCPs) and managed care organizations (MCOs) in Nassau, Suffolk and Westchester counties with an official notice of the required minimum rate of total compensation for home care workers required pursuant to Public Health Law § 3614-c(3)(a)(i). That provision of law mandates that for the period March 1, 2015 through February 28, 2016 such total compensation must be no less than 100% of the total compensation mandated by New York City's living wage law.

- For the period of March 1, 2015 through February 28, 2016, the minimum rate home care aide total compensation will be \$11.50, consisting of a base wage of at least \$10.00 per hour, and supplemental (benefit) wages of up to \$1.50 per hour. Overtime is not included in the above rates, and must be paid as required pursuant to State and Federal law.

Included in this notice is a document that further explains what is included in the rates for the upcoming Home Care Worker Wage Parity compliance period. If you have any questions regarding this information, please email to the following address: [HCWorkerParity@health.state.ny.us](mailto:HCWorkerParity@health.state.ny.us).

Sincerely,



Mark L. Kissinger, Director  
Division of Long Term Care

Enclosure

cc: Jason Helgerson  
Vallencia Lloyd

## Wage Parity 2015 Rates

### Nassau, Suffolk and Westchester Counties

For the period of March 1, 2015 through February 28, 2016, the minimum rate home care aide total compensation will be \$11.50, consisting of a base wage of at least \$10.00 per hour, and supplemental (benefit) wages of up to \$1.50 per hour.

Wages	Per hour
Base Wage	\$10.00
Supplemental Wages	\$ 1.50
Total Compensation	\$11.50

  

Overtime	Per hour
FLSA ( <i>1½ times regular rate</i> )	\$15.00 ( <i>if regular rate is \$10.00</i> )

**Total Compensation** may be satisfied entirely through wages, or through a combination of wages and supplemental wages, with the following limitations:

**The Base Wage** is the minimum amount of the Total Compensation that must be paid directly to workers as regular hourly wages for all hours worked.

**Supplemental Wages** are the amount of Total Compensation that employers may satisfy indirectly, for example, by providing health insurance required by federal law.

**Overtime** is generally required at 1½ times the regular rate of compensation under the Fair Labor Standards Act (FLSA) as well as under the New York State Labor Law's provisions for minimum wage and for domestic workers. The exceptions to this general rule that applied to most employers of home care workers and to certain non-profits prior to 2015 will become largely irrelevant after 2014 when the new FLSA overtime rules for home companions take effect. At that point, FLSA will require that such employers pay overtime at 1½ times the regular rate. For more information visit [www.dol.gov/whd/homecare](http://www.dol.gov/whd/homecare).