

Direct Care Workers Know Your Rights!

State of Maine Employment Laws

The Maine Department of Labor's Wage & Hour Division enforces Maine labor law across all industry sectors. Direct care workers provide invaluable support to Maine people, yet labor law violations are frequent. This document guides direct care workers through basic rights and common violations in the workplace.



- You must be paid at least the State of Maine minimum wage. As of January 1, 2022, the State of Maine minimum wage is \$12.75 per hour
- Direct care workers do not meet the [criteria to be independent contractors](#). You must complete an I-9 at the start of employment and receive a W-2 each year
- Direct Care Workers do not meet the criteria to be Salary Exempt employees. You must be paid for hours worked and paid overtime (time and a half) for any hours worked over 40 per week. Overtime is determined by the workweek, not the pay cycle
- You must be paid on a fixed schedule that is weekly or biweekly. Your employer must outline the pay cycle at the start of employment and provide the start and end of the workweek
- Your employer must give you a paystub (physical or virtual) and this paystub must clearly show the dates you worked, the hours you worked, your gross pay, and the day you were paid
- Your employer may require that you are paid via Direct Deposit. Employers may also pay you by paper check or with a pay card
- You must be offered a 30-minute unpaid break after 6 hours of work
- If your employer allows additional breaks in increments less than 21 minutes, those breaks may not be deducted from your pay
- Travel time between clients is considered time worked and cannot be a substitute for your 30-minute break
- Writing case notes is also considered time worked, as well as attending any trainings, or other job required meetings
- Your employer may not stop you from talking about your wages with your coworkers
 - See our [Equal Pay Poster](#) for more information and to file a complaint
- If your employer has more than 11 employees for more than 120 days, you are entitled to up to 40 hours of paid leave in accordance with [Maine's Earned Paid Leave law](#)

For More Information, Contact:

Maine Department of Labor
Bureau of Labor Standards
Telephone: 207-623-7900
TTY users call Maine Relay 711.
Web site: www.maine.gov/labor/bls
Email: bls.mdol@maine.gov

The Maine Department of Labor provides equal opportunity in employment and programs. Auxiliary aids and services are available to people with disabilities upon request.