



Direct Care Workers' Rights

This document explains the basic legal rights you have as a direct care worker in the state of Wisconsin. The Wisconsin Department of Workforce Development (DWD) is in charge of enforcing the laws that give you these rights.

If you have questions or problems with your rights as explained below, you can visit the DWD website (<https://dwd.wisconsin.gov/>) or call (608) 266-3131.

Getting Paid

You have a right to be paid for all the hours that you work.

The amount you are paid

- You must be paid at least the minimum wage which is currently \$7.25 per hour. (You might be paid less if you are there to keep your employer company, or watch them for their safety.)
- If you work more than 40 hours in a fixed seven-day period (for example: Monday to Sunday, or Sunday to Saturday), you must be paid a higher hourly rate for the extra hours. Overtime pay is one and a half times your regular hourly rate.

When you are paid

Before you start working, ask your employer:

- When you will get your first paycheck
- How often you will get paid (for example: every week, every other week, once a month, on fixed dates of every month)

- How you will get paid (with a paper check, or with an electronic direct deposit into your bank account)

If you have a problem getting paid...

If you do not get paid on time, or you are paid the wrong amount:

- First talk to your employer to fix the problem.
- If the problem is not fixed by your employer, you can contact the Division of Labor Standards at Wisconsin DWD for help:
 - Email: erinfo@dwd.wisconsin.gov
 - Madison phone number: (608) 266-6860
 - Milwaukee phone number: (414) 227-4384
- You have the right to file a complaint. Click [here](#) to see the complaint form. You can submit the complaint form online. Or, you can print it, fill it out, and mail it through the U.S. Postal Service.

Being Treated Fairly

- Your employer is not allowed to treat you differently than their other employees because of your race, color, gender, religion, sexual orientation, or age.
- If you think you have been treated unfairly, contact the Division of Civil Rights at Wisconsin DWD for help:
 - Email: erinfo@dwd.wisconsin.gov
 - Madison phone number: (608) 266-6860
 - Milwaukee phone number: (414) 227-4384
- You have a right to file a complaint. You can see the complaint form [here](#). You can submit the form online. Or, you can print it, fill it out, and mail it through the U.S. Postal Service.

- By law, your employer cannot punish you for filing a complaint. This means they can't lower your pay, reduce your hours, or fire you. If they do, you could file a complaint about that too.

Working in a Safe Place

- You have a right to work in a place that is safe for your physical and mental wellbeing.
- You have a right to receive safety training from your employer in a language that you understand. For example: learn the proper use of personal protective equipment (PPE) such as gloves or masks, or proper lifting techniques.
- You have a right to ask questions if something seems unsafe.

If you have a question or concern about your safety while working for your employer, contact the Occupational Health and Safety Surveillance Program at the Wisconsin Department of Health Services:

- Email: dhsocchealth@dhs.wisconsin.gov
- Phone: (608) 266-1120

Having Medical Costs for a Work-Related Injury Paid For

If you need to see a doctor because you got hurt (or became sick) as a result of your work, you do not pay the medical costs.

Your employer has an insurance policy (called Worker's Compensation) that will pay the medical costs. This insurance might also pay for lost wages (money you couldn't earn because you weren't able to work).

- For more information, contact the Division of Worker’s Compensation at Wisconsin DWD
 - Web page: <https://dwd.wisconsin.gov/wc/workers/>
 - Email: DWDDWC@dwd.wisconsin.gov
 - Phone: (608) 266-1340

Receiving Temporary Pay After Job Loss

If your employer reduces your work hours—partially or entirely—you can apply for temporary benefits called unemployment insurance. ***You cannot apply for unemployment insurance if you were fired for misconduct or poor job performance.***

- For more information, contact the Division of Unemployment Insurance at Wisconsin DWD
 - Web page: <https://dwd.wisconsin.gov/uiben/>
 - [Guide to Unemployment Insurance](#) (handbook)
 - Phone: (844) 910-3661
- If your application for benefits is approved, you are required to submit a claim every week.