

Category	Question	Answer	Source(s)
Hours / Wages / Overtime	What is Minimum Wage that we should follow: federal \$7.25 or WA \$17.13?	Use Washington's higher minimum wage: \$17.13/hour in 2026 (or a higher applicable local minimum). <u>not \$7.25 federal.</u>	https://www.lni.wa.gov/workers-rights/ ; https://app.leg.wa.gov/WAC/default.aspx?cite=296-126-002
Hours / Wages / Overtime	how can time keeping work when this bolina law now puts AFH to pay not solely for hours worked but hours stayed. LNI mentioned that if a CG cannot leave, even if they are not working or even sleeping (to be compliant with dshs required 24hr coverage) they must be paid. This technically requires AFH now to pay for 24 hours.	If a caregiver must remain on the premises and be available to residents, that time may be compensable. Bolina removed the AFH live-in exemption as applied there; it did not create a blanket 24-hour-pay rule. Document duties, restrictions, and genuine off-duty periods.	https://www.courts.wa.gov/opinions/?fa=opinions.disp&filename=1035195MAJ ; https://www.lni.wa.gov/workers-rights/ ; https://app.leg.wa.gov/WAC/default.aspx?cite=296-126-002
Hours / Wages / Overtime	If we have 24 hour shift, no necessarily a live in but allowed to sleep during the night during their work days. Are you saying that tracking their hours when they have to wake up and provide services they get paid for the time they had to wake? And if it goes to overtime pay then pay the overtime. But that we don't have to pay any of the 8 hours is they had no interruption during the night? So the pay would be a night to night depending on if there was any calls vs just having to pay someone overnight regardless of getting any calls.	Do not assume 8 overnight hours are automatically unpaid. If the caregiver must remain on duty/premises and available, the time may be compensable. Have any sleep-time exclusion reviewed for the specific arrangement.	https://www.courts.wa.gov/opinions/?fa=opinions.disp&filename=1035195MAJ ; https://www.lni.wa.gov/workers-rights/ ; https://app.leg.wa.gov/WAC/default.aspx?cite=296-126-002
Hours / Wages / Overtime	if a resident daily rate is \$ 175 daily but how can you pay a caregiver with \$20.00 hourly plus overtime	The Medicaid daily rate does not change wage obligations. The AFH must still pay applicable minimum wage and overtime.	https://www.lni.wa.gov/workers-rights/ ; https://app.leg.wa.gov/WAC/default.aspx?cite=296-126-002
Other	what if one caregiver work between two afh owned by one person S corp , can caregiver work work 30 hrs in one afh and 20 in second one ?	If both AFHs are the same employer (e.g., the same S-corporation), combine hours across both homes. 30 + 20 = 50 hours, generally 10 overtime hours unless a valid exemption applies.	https://www.lni.wa.gov/workers-rights/ ; https://app.leg.wa.gov/WAC/default.aspx?cite=296-126-002
Hours / Wages / Overtime	with the medicaid daily rate that is very low , how do you can AFH able to pay such overtime ?	Medicaid reimbursement does not waive wage law. Document labor-cost impacts and raise reimbursement concerns with AFHC and DSHS/policymakers while remaining compliant.	https://www.lni.wa.gov/workers-rights/ ; https://app.leg.wa.gov/WAC/default.aspx?cite=296-126-002
Hours / Wages / Overtime	Why does the state pay us less than the minimum wage???	Medicaid pays a resident-care reimbursement rate, not an hourly wage to the provider. Employee minimum-wage obligations are separate.	https://www.lni.wa.gov/workers-rights/ ; https://app.leg.wa.gov/WAC/default.aspx?cite=296-126-002
Hours / Wages / Overtime	Can you go over the correct way to use a lunch break waiver?	A meal waiver must be voluntarily requested by the employee in advance, not required by the employer or signed after a missed meal. L&I recommends written documentation; the employee may revoke it.	https://www.lni.wa.gov/workers-rights/_docs/HLS.A.2.pdf
Exemptions / Employment Law	For Ben Justus - Can you please provide specific around the manager exemption? Salary requirements, qualification requirements?	Executive exemption generally requires management as the primary duty, direction of at least two FTE employees, meaningful hiring/firing authority or recommendations, and at least \$1,541.70/week salary in 2026. A bona fide 20% owner actively managing has a separate rule.	https://app.leg.wa.gov/wac/default.aspx?cite=296-128-510 ; https://www.lni.wa.gov/workers-rights/wages/overtime/changes-to-overtime-rules
Hours / Wages / Overtime	Can a caregiver work a 13 hour shift? We have the 40 hours a week rule but what about a day?	Yes, a caregiver can generally work a 13-hour shift. There is no general 8-hour daily maximum for adults; meal/rest rules, overtime after 40 hours/week, safety, and adequate staffing still apply.	https://www.lni.wa.gov/workers-rights/ ; https://app.leg.wa.gov/WAC/default.aspx?cite=296-126-002
Hours / Wages / Overtime	Does the time keeping has to be electronically or can we use paper with signature?	Electronic timekeeping is not required. Paper records are acceptable if accurate and complete, including daily/weekly hours and required payroll records.	https://www.lni.wa.gov/workers-rights/ ; https://app.leg.wa.gov/WAC/default.aspx?cite=296-126-002
Employment / Payroll	Can a caregiver be a private contractor?	Usually not if the worker functions as an employee. Calling a caregiver an independent contractor does not make it so; classification depends on legal tests and the actual relationship.	https://www.lni.wa.gov/workers-rights/ ; https://app.leg.wa.gov/WAC/default.aspx?cite=296-126-002
Housing / Rent	Maybe I'm thinking of things wrongly. But why can't it be as simple as: 1. Pay them an hourly wage that is agreed upon and legal. 2. If they work overtime pay them for such 3. If they live there then simply charge them rent	Potentially. Treat wages/overtime and housing as separate issues. Any rent or payroll deduction must comply with Washington deduction rules and cannot evade minimum wage. Use written agreements and legal review.	https://app.leg.wa.gov/RCW/default.aspx?cite=59.18.040 ; https://www.lni.wa.gov/workers-rights/wages/getting-paid/paycheck-deductions
Housing / Rent	How about when an employee's employment is terminated? If the employee is also living in the employer's home or property, could this create a landlord-tenant relationship that makes it difficult to have them move out? How should we structure the employment and housing agreement so that when employment ends, the employee is also required to move out without creating a difficult landlord-tenant situation?	RCW 59.18.040(9) excludes occupancy by a landlord's employee when the right to occupy is conditioned on employment in/about the premises. Clearly condition housing on employment and have counsel review termination language/process.	https://app.leg.wa.gov/RCW/default.aspx?cite=59.18.040 ; https://www.lni.wa.gov/workers-rights/wages/getting-paid/paycheck-deductions
Other	Ty #117, I'm confused there also because that was my understanding you basically have to pay the 24 regardless so what are we tracking hours for?	Tracking is still required because employers must record hours worked and overtime. Presence alone is not the only question; whether time is legally 'hours worked' depends on the employee's duties and restrictions.	https://www.lni.wa.gov/workers-rights/ ; https://app.leg.wa.gov/WAC/default.aspx?cite=296-126-002
Other	Did I hear Mulu correct, she has an activity person and that can cover some of the shift?? Can someone confirm please?	Activity staff may cover caregiver duties only if qualified/trained as required and actually available to meet resident needs.	https://app.leg.wa.gov/wac/default.aspx?cite=388-76-10195 ; https://app.leg.wa.gov/wac/default.aspx?cite=388-76-10200
Hours / Wages / Overtime	Did you say your activity staff covers as a caregiver? If not is she doing just activities the entire 40 hours a week?	Qualified activity staff may also perform caregiver duties, but all work time for the same employer counts together. The home must still have enough qualified staff for resident needs.	https://app.leg.wa.gov/wac/default.aspx?cite=388-76-10195 ; https://app.leg.wa.gov/wac/default.aspx?cite=388-76-10200
Other	What if I have a 2 person assist clients	If a resident requires two-person assistance, the home must have enough qualified staff available to safely provide that assistance when needed.	https://app.leg.wa.gov/wac/default.aspx?cite=388-76-10195 ; https://app.leg.wa.gov/wac/default.aspx?cite=388-76-10200
Employment / Payroll	So this means we can not hire people waiting for their social security and work permit?	Do not allow work unless federal Form I-9 requirements can be met. A pending SSN is not necessarily the same as lacking work authorization; verify acceptable I-9 documents and payroll requirements.	https://www.uscis.gov/i-9-central
Housing / Rent	Can we charge rent to Living-in CG?	Yes, rent may potentially be charged to a live-in caregiver, subject to wage-deduction and housing laws. Put terms in writing and do not use rent to evade wage/overtime obligations.	https://app.leg.wa.gov/RCW/default.aspx?cite=59.18.040 ; https://www.lni.wa.gov/workers-rights/wages/getting-paid/paycheck-deductions

Other	Is the info provided here 100% legal and vented by LTCF or is it one's opinion?	The panel provides general educational information, not individualized legal advice. Bolina, statutes, and WACs are legal authorities; application to a particular AFH's facts should be reviewed with counsel/agency.	https://www.courts.wa.gov/opinions/?fa=opinions.disp&filename=1035195MAJ ; https://www.lni.wa.gov/workers-rights/ ; https://app.leg.wa.gov/WAC/default.aspx?cite=296-126-002
Hours / Wages / Overtime	how can a provider with 2 state low paying client be able to cope with 24 hours pay? when it takes forever to fill a house? state pay vs private client not equal	Low Medicaid reimbursement does not create a wage-law exception. Document the impact for DSHS/policymakers while structuring staffing to comply with wage and resident-care rules.	https://www.lni.wa.gov/workers-rights/ ; https://app.leg.wa.gov/WAC/default.aspx?cite=296-126-002
Employment / Payroll	I have not yet set up payroll. It has been my wife and I running the show. How do I set up payroll?	Register as an employer with state/federal agencies, establish withholding/payroll-tax, workers' comp and unemployment accounts, complete I-9/hiring documents, and use a payroll system or professional.	https://dor.wa.gov/open-business/apply-business-license
Housing / Rent	Can we address the legal standpoint of how to pay a caregiver and charge rent for live in. It's my understanding that the rent deduction can not bring their overall pay under the minimum wage hourly rate. If you pay full wage and then they pay rent under a lease separately vs a deduction does that still apply?	Paying full wages and collecting separately agreed rent is generally cleaner than an undocumented deduction, but it does not avoid wage/housing law. Payroll rent deductions require written authorization; use a separate housing agreement and legal review.	https://app.leg.wa.gov/RCW/default.aspx?cite=59.18.040 ; https://www.lni.wa.gov/workers-rights/wages/getting-paid/paycheck-deductions
Medicaid / Reimbursement	I'm concerned this just pushes more providers to pay caregivers under the table to work more than we already know is happening, which further puts the burden on compliant homes to not only maintain compliance w l&i but also hold a standard over available staff or those staff that routinely call for jobs but are not able to work in our country/state. How do "they" intended to ensure all of us are equally compliant so for example Medicaid rates can be identified the reimbursement is not equally enough.....	Agencies such as L&I enforce wage law; compliant employers should not pay 'under the table.' Medicaid reimbursement policy is separate, so document cost impacts and raise them with DSHS/policymakers.	https://www.lni.wa.gov/workers-rights/ ; https://app.leg.wa.gov/WAC/default.aspx?cite=296-126-002
Hours / Wages / Overtime	Please address the federal vs WA minimum wage amount requirement.	Washington's 2026 minimum wage is \$17.13/hour; the higher applicable state/local rate controls over the \$7.25 federal minimum.	https://www.lni.wa.gov/workers-rights/ ; https://app.leg.wa.gov/WAC/default.aspx?cite=296-126-002
Follow-up / Resources	Hi Mulu, can you please share the employment contract?	Obtain the employment-contract template directly from Mulu/the presenter. Any template should be reviewed for the specific AFH.	
Hours / Wages / Overtime	I'm joining late, but is the 8 hours of sleep able to be deducted if there is no interruption to their sleep?	Not automatically. After Bolina, do not rely on the former live-in exemption to exclude overnight time. Whether a bona fide sleep/off-duty period can be excluded depends on the facts and applicable WA wage law; obtain legal review.	https://www.courts.wa.gov/opinions/?fa=opinions.disp&filename=1035195MAJ ; https://www.lni.wa.gov/workers-rights/ ; https://app.leg.wa.gov/WAC/default.aspx?cite=296-126-002
Employment / Payroll	what if caregiver has iTin number instead of SSN, what would be payroll setup for iTin ?	An ITIN is for tax processing and is not proof of U.S. work authorization. Employers still must complete Form I-9 using acceptable documents; consult payroll/tax professionals if no SSN has issued.	https://www.uscis.gov/i-9-central
Housing / Rent	If an employee voluntarily signs an agreement acknowledging and authorizing a specific weekly room-and-board deduction in exchange for employer-provided housing, is that signed agreement sufficient to legally authorize the employer to deduct the agreed amount from the employee's wages? Or is it better to have a separate lease or housing agreement and/or a separate written payroll deduction authorization in addition to the employment agreement?	A signed employment agreement can document authorization, but a separate housing agreement plus clear voluntary written payroll-deduction authorization is safer. Ongoing rent deductions require written authorization and wage/housing compliance.	https://app.leg.wa.gov/RCW/default.aspx?cite=59.18.040 ; https://www.lni.wa.gov/workers-rights/wages/getting-paid/paycheck-deductions
Medicaid / Reimbursement	How can we afford to hire more cg	There is no wage-law exception based on affordability. Providers may need to adjust staffing/business models and document reimbursement impacts while maintaining required staffing and wage compliance.	https://app.leg.wa.gov/wac/default.aspx?cite=388-76-10195 ; https://app.leg.wa.gov/wac/default.aspx?cite=388-76-10200
Employment / Payroll	How does a report to labor and industry for someone with out an SSN Example provider has a friend or family visiting from out the country but wants to ensure they have labor and industry coverage just incase they are injured .	Do not put a visitor to work merely to obtain L&I coverage. The person must be legally authorized to work and properly hired/reported; workers' comp reporting does not cure work-authorization/payroll violations.	https://www.uscis.gov/i-9-central
Hours / Wages / Overtime	If we make an agreement with the caregiver and the individual lives at the home, dose that means if my residents can sleep through the night can the caregiver cover the night and only be paid hourly if they have to wake up to provide care?	Do not assume overnight time is unpaid because residents usually sleep. If the caregiver must remain and be available, the time may be compensable. Any true off-duty/sleep exclusion should be reviewed under the specific facts.	https://www.courts.wa.gov/opinions/?fa=opinions.disp&filename=1035195MAJ ; https://www.lni.wa.gov/workers-rights/ ; https://app.leg.wa.gov/WAC/default.aspx?cite=296-126-002
Hours / Wages / Overtime	Do we pay for sleeping hours when I caregiver are not working	Possibly. The question is whether the employee is required to remain on duty/premises and available, not simply whether asleep. Bolina means AFHs cannot rely on the former live-in exemption to avoid minimum wage/overtime.	https://www.courts.wa.gov/opinions/?fa=opinions.disp&filename=1035195MAJ ; https://www.lni.wa.gov/workers-rights/ ; https://app.leg.wa.gov/WAC/default.aspx?cite=296-126-002
Medicaid / Reimbursement	what does DSHS doing with all of this?	DSHS regulates AFH licensing, resident safety, staffing, and Medicaid contracting/rates; wage-and-hour enforcement is primarily L&I. DSHS rules still require sufficient qualified staff and generally a qualified caregiver present when residents are present.	https://app.leg.wa.gov/wac/default.aspx?cite=388-76-10195 ; https://app.leg.wa.gov/wac/default.aspx?cite=388-76-10200
Housing / Rent	Could you please post the RCW you spoke about regarding provider protections as a landlord ?	RCW 59.18.040(9): occupancy by an employee of a landlord whose right to occupy is conditioned upon employment in or about the premises is exempt from the Residential Landlord-Tenant Act.	https://app.leg.wa.gov/RCW/default.aspx?cite=59.18.040 ; https://www.lni.wa.gov/workers-rights/wages/getting-paid/paycheck-deductions
Housing / Rent	The RCW, (exemption) does it apply if the caregiver pays you rent?	Potentially, but charging rent can complicate the analysis. RCW 59.18.040(9) focuses on whether occupancy is conditioned on employment. Use a carefully drafted agreement and obtain landlord-tenant counsel.	https://app.leg.wa.gov/RCW/default.aspx?cite=59.18.040 ; https://www.lni.wa.gov/workers-rights/wages/getting-paid/paycheck-deductions

Insurance / Liability	Are there insurance products that could help providers with these potential liabilities?	Yes. AFHs must carry liability insurance under WAC 388-76-10191-10192. Ask a broker about EPLI, wage-and-hour endorsements/coverage, workers' comp, and general/professional liability; exclusions vary.	https://app.leg.wa.gov/wac/default.aspx?cite=388-76-10192
Other	What if the live in caregiver is willing to volunteer their time if they have to get up at night.	No. An employee generally cannot volunteer unpaid time to perform the same work for a for-profit employer. Required nighttime resident care cannot be made unpaid by agreement.	https://www.lni.wa.gov/workers-rights/ ; https://app.leg.wa.gov/WAC/default.aspx?cite=296-126-002
Employment / Payroll	I am considering closing my afh doors as this is not feasible anymore! I have 6 residents and all are C high and above classifications but I can't afford this payroll model! How can the state treat providers unfairly when we provide care as well to our residents and do administrative work!	This is a reimbursement/business concern, but it does not create a wage/staffing exception. Document labor costs and acuity, raise rate issues with DSHS/policymakers, and obtain individualized employment/payroll advice.	https://www.lni.wa.gov/workers-rights/ ; https://app.leg.wa.gov/WAC/default.aspx?cite=296-126-002
Housing / Rent	For 4days live in caregiver \$1000 room and board for caregiver since she still live there for the 3 days she is not working?	\$1,000 may or may not be lawful/reasonable depending on the arrangement, market terms, and whether collected separately or deducted. Housing/payroll terms should be written, voluntary, and reviewed for wage and landlord-tenant compliance.	https://app.leg.wa.gov/RCW/default.aspx?cite=59.18.040 ; https://www.lni.wa.gov/workers-rights/wages/getting-paid/paycheck-deductions
Exemptions / Employment Law	The term contract is being used. What does that do too employment at will?	An employment contract does not automatically eliminate at-will employment. It can modify at-will status if it promises a term or limits termination rights, so draft it carefully.	https://app.leg.wa.gov/RCW/default.aspx?cite=49.48
Hours / Wages / Overtime	what about I have a living caregiver working 40h /week. All the residents sleep through the night. The caregiver wake up only if in case of emergency, and there is none yet, do I need to pay for overtime?	Potentially yes. If the caregiver must remain at the AFH overnight and be available, overnight time may count as hours worked; hours over 40/week are generally overtime unless exempt. Resident sleep patterns alone do not decide it.	https://www.courts.wa.gov/opinions/?fa=opinions.disp&filename=1035195MAJ ; https://www.lni.wa.gov/workers-rights/ ; https://app.leg.wa.gov/WAC/default.aspx?cite=296-126-002
Housing / Rent	Some one was telling me that the state daily pay rate was set based on the provider providing the live in caregiver room and board. If that is true is there a conversations about looking at that?	Do not assume Medicaid's daily rate legally includes or requires free employee room/board. Reimbursement methodology and employer wage/housing obligations are separate; confirm any rate-basis claim directly with DSHS.	https://www.dshs.wa.gov/altsa
Housing / Rent	How do you navigate a scenario where you have rented the AFH and the owner does not agree to subleasing....?	If the master lease prohibits subleasing, do not create a sublease without owner consent. Employment-conditioned occupancy may differ, but the lease and landlord-tenant consequences should be reviewed by counsel/owner.	https://app.leg.wa.gov/RCW/default.aspx?cite=59.18.040 ; https://www.lni.wa.gov/workers-rights/wages/getting-paid/paycheck-deductions
Employment / Payroll	If the designated resident manager is the provider's spouse, are they required to be on payroll? Does the answer change if the spouse is also an owner of the business?	Not automatically. Whether a provider's spouse must be on payroll depends on entity, ownership, actual services, and tax/employment rules. An employee performing resident-manager work generally requires payroll treatment; an owner may differ. Consult a CPA/counsel.	https://app.leg.wa.gov/wac/default.aspx?cite=388-76-10129
Employment / Payroll	Is the Provider allowed to be on payroll?	Yes, a provider may be on payroll if the entity/tax structure supports employee treatment. Owner treatment depends on entity type; confirm with a CPA/payroll professional.	