

*U.S. Department of State  
Bureau of Educational and Cultural Affairs*

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**OFFICE OF EXCHANGE COORDINATION AND DESIGNATION**

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*Private Sector Programs Division*

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***WEEKLY WAGE DUE TO AU PAIR PROGRAM PARTICIPANTS***

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On November 18 and 19, 1996, the United States Information Agency<sup>1</sup> provided all Au Pair Program Sponsors with a notice regarding payment of the weekly wage due to au pairs<sup>2</sup>. Please be advised specifically that:

1. The Department of Labor (DoL) determined in 1994 that an employer/employee relationship is established between the host family and the au pair. Accordingly, the wage<sup>3</sup> given an Au Pair must conform to minimum wage law and adjustments. The DoL, having sole jurisdiction regarding matters of minimum wage, determines the credit (room and board) to be applied against the weekly wage. A full discussion of this matter was set forth in the February 15, 1995 Federal Register notice announcing Au Pair program regulations.

2. Effective September 1, 1997, the weekly wage due to au pairs is \$139.05. This amount is based upon the minimum wage payment currently in effect, and is calculated as follows.

45 hours @ \$5.15 = \$231.75  
\$231.75 less \$92.70 per week, credit for room and board determined by the DoL  
= \$139.05, the weekly wage due Au Pair program participants

Effective August 17, 2001, the existing Au Pair program regulations were amended to create the EduCare program component. Au pairs participating in the EduCare component are paid in accordance with the provisions of the Fair Labor Standards Act. However, as a matter of administrative convenience for both Department-designated sponsors and participating host families, the weekly compensation for EduCare au pairs is calculated as 75 percent of the weekly wage currently paid to all au pair participants.

\$139.05, the weekly wage due Au Pair program participants  
.75(139.05)  
= \$104.29, seventy-five percent of the weekly wage due Au Pair program participants.

In 1997, in response to a request for advisory opinion on whether \$10 credit maybe possible as an offset to the educational expenses paid by host families participating in the Au Pair program, the DoL<sup>4</sup> advised that host families may not take credit in meeting their minimum wage obligations for either tuition costs or medical insurance. The Au Pair program sponsors were notified on March 13, 1997, and a copy of the DOL advisory opinion was provided to them.

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**NOTE: ANY HOST FAMILY FAILING TO ABIDE BY THE AMOUNT OF WAGE TO BE PAID TO AU PAIRS IS IN VIOLATION OF FEDERALLY-MANDATED MINIMUM WAGE LAW.**

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<sup>1</sup> The United State Information Agency and the Department of State consolidated in 1999. Any action taken prior to consolidation was on the part of the United States Information Agency.

<sup>2</sup> The term stipend was changed to wage with the publication of the Au Pair program regulations in the Federal Register on Friday, June 27, 1997.

<sup>3</sup> The increase in minimum wage affecting the weekly wage for au pair program participants supercedes the wage level of \$115 established in the Au Pair Final Rule (22 CFR 514.31), published in the Federal Register on Wednesday, February 15, 1995.

<sup>4</sup> Letter dated February 28, 1997 from John R. Fraser, Acting Administrator, Employment Standards Administration, Wage and Hour Division, U.S. Department of Labor, addressed to Stanley S. Colvin, Assistant General Counsel, United States Information Agency