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**\*\*\*FOR IMMEDIATE RELEASE\*\*\***

***NCLEJ, Legal Aid Deliver Oral Arguments in Class Lawsuit Against  
NYSDOL on Behalf of 24-Hour Homecare Workers***

***Lawyers were Joined by Nearly 100 Homecare Workers Protesting for Fair Wages and Fair  
Working Conditions***

**Albany, NY** – On Tuesday, August 13, lawyers from the **National Center for Law and Economic Justice** and **The Legal Aid Society** delivered Oral Arguments in *Chen et al. v. Reardon*, a class action lawsuit that seeks to reopen a years-long New York State Department of Labor (NYSDOL) investigation into the stolen wages of 24-hour homecare workers, in the Albany County Courthouse.

They were joined by approximately 100 homecare workers represented by the lawsuit to protest NYSDOL's arbitrary decision to close the cases and demand restitution for unpaid work, fair wages, and fair working conditions.

“These homecare workers, the majority of whom are women of color and immigrants, were subjected to unlawful working conditions that have in some cases led to permanent disability,” said **Carmela Huang, Senior Attorney at NCLEJ**. “They experienced an unconscionable level of wage theft by being forced to work 24-hour shifts for only 13 hours of pay. We look forward to arguing our case before the Court.”

“NYSDOL has thrown homecare workers under the bus with an arbitrary and illegitimate rule that leaves them with no remedy for egregious wage theft,” said **Richard Blum, Staff Attorney with The Legal Aid Society's Employment Law Unit**. “Home care workers deserve complete restitution for their unpaid wages, and we will continue to hold NYSDOL accountable to enforce the law until that happens.”

The lawsuit was first filed in August 2023 as an Article 78 Petition. The NYSDOL found “overwhelmingly collaborative” evidence that homecare workers assigned to work 24-hour shifts are systematically subject to wage theft by being forced to work continuously while being paid less than the minimum wage and receiving little to no overtime pay, yet the NYSDOL suddenly closed hundreds of unpaid wage claims filed by homecare workers.

Although no explanation was provided to the workers before their cases were closed, the NYSDOL afterwards justified the closures by pointing to a new rule that it would not investigate claims filed by homecare workers who are subject to arbitration agreements. NYSDOL's union arbitration rule should be annulled, and all unpaid wage claims should be investigated fully so homecare workers can get full restitution for their hours worked.

New York policy allows these workers to be paid for just 13 hours of each shift, but only if they receive at least five consecutive hours of sleep, eight hours for sleep altogether and three hours for meals. However, many aides have long said this practice was impossible, given their patients' around-the-clock needs. In addition to missing out on sleep and adequate pay, these conditions also make homecare workers extremely vulnerable to occupational injuries that often lead to permanent disability.

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*The National Center for Law and Economic Justice is a legal services nonprofit organization that advances racial and economic justice for low-income families, individuals, and communities across the country through ground-breaking impact litigation, policy advocacy, and support for grassroots organizing. Founded in 1965, NCLEJ fights to protect access to critical benefits like food stamps, Medicaid, and childcare, protects low-wage workers' rights and safety, advocates for the rights of people with disabilities, and fights unlawful debt collection.*

*The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For nearly 150 years, they have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of their clients and helps improve their communities.*