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Legal Aid and NCLEJ Secure Court Order Reopening Wage Claims for Hundreds of 24-Hour Home Care Workers

*Decision grants class certification, clearing the way for home healthcare workers to
pursue unpaid wages*

(NEW YORK, NY) — The Legal Aid Society and the National Center for Law and Economic Justice secured a [court order](#) on January 2, 2026, reopening hundreds of wage claims and secured class certification in [litigation](#) against the New York State Department of Labor (NYSDOL) on behalf of home care aides forced to work 24-hour shifts for only 13 hours of pay.

“This decision forces the reopening of long-denied wage claims and moves home care workers significantly closer to justice after years of being underpaid for round-the-clock work,” said **Michael Diller, Staff Attorney in the Employment Law Unit at The Legal Aid Society**. “By granting class certification, the court recognized what workers have long known: you cannot shortchange people who labor around the clock and then hide behind an unlawful rule to avoid accountability. This ruling allows these workers to stand together and demand the wages the law requires.”

“When the NYSDOL closed our clients’ cases, it betrayed hundreds of workers who have been fighting – some for more than a decade – to merely recover what they have already earned: a day’s wages for a day’s work,” said **Carmela Huang with the National Center for Law and Economic Justice**. “This order is a vindication for these aides and a testament to their strength of spirit. It is a major step towards justice. But we have more work to do. We will continue to hold the NYSDOL accountable. We will not stop until the NYSDOL actually orders the restitution that these workers are long overdue.”

This lawsuit, filed in August 2023, seeks to reopen a years-long NYSDOL investigation into stolen wages from 24-hour home care aides. Despite finding “overwhelmingly corroborative” evidence that home care aides assigned to 24-hour shifts are systematically subjected to wage theft — forced to work continuously while being paid less than the minimum wage and receiving little to no overtime pay — NYSDOL abruptly closed hundreds of unpaid wage claims filed by these workers.

Although no explanation was provided to the aides 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 home care aides who are subject to mandatory arbitration agreements.

The NYSDOL's rule specifically targeted an especially vulnerable class of workers – 90 percent women, 82 percent people of color and 67 percent foreign-born – by excluding them from its protections. According to a recent report by the NYC Council, more than half of the home care aides employed in NYC are on some form of public assistance despite working full-time schedules because their wages are so low and wage theft in the industry is so pervasive.

In June 2024, the Albany Supreme Court found that the NYSDOL violated the New York State Administrative Procedures Act by instituting the rule without following proper procedure and ordered that the NYSDOL reopen and fully investigate the unpaid wage claims of the five aides named in the lawsuit. However, the judge initially held off on certifying a class — leaving the hundreds of other aides affected by the NYSDOL's unlawful conduct without relief.

This decision, dated January 2, 2026, closes that gap, certifies the class, and extends the June 2024 relief so that all affected aides can now get full restitution for their hours worked.

Background

This petition is the latest action in a multi-year struggle to secure restitution for home care workers who experience wage theft. New York law permits employers to pay these workers for just 13 hours of each 24-hour shift, if workers receive an eight-hour period for sleep, including five uninterrupted hours, and three hours for meals. However, many aides have long said this practice was impossible, given their patients' round-the-clock needs. In addition to missing out on sleep and adequate pay, these conditions also make home care workers extremely vulnerable to occupational injuries that often lead to permanent disability.

In November 2019, NYSDOL acknowledged that the evidence of wage theft was overwhelmingly corroborated and that home care workers should have been paid for their full 24 hours of work. NYSDOL stated that it intended to investigate unpaid wage claims.

In February 2022, 1199 SEIU reached an arbitration agreement with home care worker agencies to create a settlement fund that required the agencies to contribute just \$250 per employee – despite workers being owed far greater amounts in unpaid wages.

In October 2022, NCLEJ and partner groups filed a Title VI Federal Civil Rights Complaint against NYSDOL and the New York State Department of Health (NYSDOH) for discrimination against home care workers and consumers on the basis of their race and national origin.

In May 2023, NYSDOL reversed course on investigating unpaid wage claims and adopted the rule preventing workers from filing unpaid wage claims against their employers if their union has an arbitration agreement in place.

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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 is a nonprofit law firm that exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For 150 years, we 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 the people we serve and helps improve our communities.

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