

# Health Pulse

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## State bill would cap hours for home-care workers

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**JONATHAN LAMANTIA**

**JENNIFER HENDERSON**

State lawmakers have introduced a bill that would limit the number of hours home-care workers could work, in an attempt to address conditions they say are dangerous to the workers' health.

The bill—[S6640](#), A8064—would prohibit 24-hour shifts and cap the workday at 12 hours and the workweek at 50 hours. The bill would apply to home health aides, personal care aides and consumer-directed personal assistants. It also allows workers to voluntarily work more hours.

Current rules have put home-care workers' health at risk and lowered the quality of care they give patients, said Sen. Roxanne Persaud, a Democrat from Canarsie, Brooklyn, who sponsored the bill. Persaud spoke at a rally on Wednesday in Greenwich Village in front of the building where 146 garment workers died in a 1911 fire at the Triangle Shirtwaist factory—a workers' rights landmark.

"We are going to fight hard with all of my colleagues come the new legislative session to ensure that the 24-hour workday for all of you workers is not going to continue," Persaud said. "We cannot afford to allow you to work 24 hours without a break."

New York's highest court in March upheld state Labor Department regulations that advise agencies to pay workers for 13 hours of their 24-hour shifts as well as eight hours of sleep time and three hours of meal breaks. The sleep time must include five

uninterrupted hours.

The ruling overturned two appellate decisions from 2017 in lower courts that had thrown out the state's regulations.

Sileni Martinez, a home-care worker for 27 years who has worked 24-hour shifts, said she suffered problems with her back and vision and missed out on time with her family. "I love this work, but it cost me a lot," she said through a translator. "It robbed me of my family, and it robbed me of my health.

There are more than 263,000 people working in private-sector home health care services statewide, according to the Labor Department, including nearly 207,000 in New York City. The home-care industry, which employs many women, immigrants and people of color, is the fastest-growing sector in the state. The median wage for a home health aide is \$25,720.

In legislating the issue, state lawmakers must weigh the rights of workers against the affordability of care. Many of the workers are employed by agencies that are supported by Medicaid funding.

For people who need 24-hour care, work would be split into two 12-hour shifts. That would require more money for the two workers—which would increase Medicaid spending, said Al Cardillo, president of the state Home Care Association.

Cardillo said consideration should be given to make sure the bill wouldn't reduce the supply of home-care workers to a point where people would have to receive care at institution rather than at home.

"As a proposal, it needs to be evaluated for the impact on the worker, the client and the health care system," he said.

Funding the plan is complicated by the state's push to hold down Medicaid spending, which is expected to top \$79 billion including federal, state and local contributions. The Cuomo administration [said last month](#) that it might need to reduce payments to health care providers and insurers to stay within its spending cap.

No funding estimate is included in the bill.

Assemblyman Harvey Epstein, a Democrat representing the East Side of Manhattan who sponsored the bill in that chamber, said the bill should be a legislative priority because it promotes social and economic justice for workers.

"We need to spend money to make this work," he said at the Manhattan rally, "and that's exactly what we're going to do in the next legislative session." —Jonathan LaMantia