Dear Friend,

In July, the New York State (NYS) Department of Labor (DOL) held a public hearing to make permanent the Emergency Regulations it issued last October concerning 24-hour home care attendants. The regulations undermined previous wage laws established after 3 NYS court decisions ruled that home attendants must be paid for all 24-hours of a 24-hour shift.[1] The NYSDOL emergency regulation allows employers to evade these court rulings, forcing home attendants to prove each day that they did not sleep at least five hours without interruption, thus sanctioning the industry-wide practice of paying home attendants for only 13 hours in a 24-hour shift.

Home attendants assigned to 24-hour shifts are caring for patients who have been approved for around-the-clock care because of their medical condition. Many are bedridden, fall risks or have dementia. Home attendants are not allowed to leave the patients' home during a 24-hour shift. Some shifts are five or six days a week. Home attendants say the regulation is establishing the conditions for modern day slavery -- forcing thousands of mostly immigrant women and women of color to toil all night without pay in patients' homes.

Furthermore, NYSDOL's emergency regulation hurts patients. After the regulation was issued, to avoid paying for the night-time hours, some home care agencies began instructing home attendants to ignore patient's needs after 9 pm even if the patient calls for them. How can home attendants ignore their patients' needs? When workers refuse to ignore their patients, they are fired. The NYSDOL is setting up conditions to make workers willfully ignore patient needs - as if to say that patients' health conditions can be turned off like a light switch.

For the health and well-being of patients and home attendants, we call on the NYSDOL to:

- Rescind the emergency regulation and stop resisting the court's rulings,
- Ensure no other legislation similar to the emergency regulation is used to enslave home attendants and abuse patients, and
- Declare a 24-hour workday is illegal-patients requiring 24 hours of care should be provided split shifts of 12 hours each to allow home attendants time to rest and patients to receive proper care.

Please join us. Visit aintiwoman.org to endorse the campaign and learn more. For more information please call 212-358-0295.

Sincerely,

AIW Representative

Endorsers (list in formation): Coalition of Labor Union Women-Philadelphia, NOW-NYC, Social Justice Committee, Unitarian Universalist Congregation of Binghamton, NY, Students Organizing Against Reynolds (SOAR), Global Monitor, Border Workers Association, Mujer Obrera, Student-Labor Student Alliance (Binghamton), Yale Women's Center, Corporate Campaign, Citrus College Adjunct Faculty Federation, Occupational Clinical Center of the Southern Tier, Broome/Tioga Green Party, UAW Local 675, Brooklyn-Wide Interagency Council on Aging (BWICA), Wind of the Spirit, Socialist Party of NYC, HEAL Trafficking