

HOME CARE CLIENT ALERT



State is Not Pursuing Promulgation of “Predictive Scheduling/Call-in Pay” Regulations

February 28, 2019

The Albany Business Review is reporting that the New York State Department of Labor (DOL) will not be pursuing the passage of proposed regulations that would have required employers to pay for certain call-in and “predictive scheduling” situations. Our firm had reported on the requirements of these proposed regulations in alerts [here](#) and [here](#). The proposed regulations, if they had been adopted by the DOL, would have caused extreme hardship for employers who had minimum wage employees and whose industries regularly necessitated short-notice changes to work schedules. The DOL’s website does not contain any discussion regarding the DOL’s decision to stop the rulemaking process involving these regulations. We will provide additional information as it becomes available.

As a reminder, despite the DOL’s decision not to promulgate these proposed regulations, New York State continues to have call-in pay requirements, which obligate employers in some industries to pay employees “call-in” pay for certain no-work situations or work-cancellations.

Please contact any one of our Home Care Practice attorneys if you have any questions about this latest development. If you received this alert from a third party or from visiting our website and would like to be added to our Home Care Practice or any other mailing list, please visit us at bit.ly/HodgsonSignUp.



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