



Legislation Details (With Text)

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**Title:** A Local Law to amend the administrative code of the city of New York, in relation to maximum working hours for home care employees

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**Indexes:**

**Attachments:** 1. Summary of Int. No. 303-B, 2. Summary of Int. No. 303-A, 3. Summary of Int. No. 303, 4. Int. No. 303, 5. Hearing Testimony 9/6/22 (Int 0175-2022), 6. January 29, 2026 - Stated Meeting Agenda, 7. Hearing Transcript - Stated Meeting 1-29-26, 8. Fiscal Impact Statement - City Council, 9. Committee Report 2/18/26, 10. Hearing Testimony 2/18/26, 11. Hearing Transcript 2/18/26, 12. Proposed Int. No. 303-A - 3/27/26, 13. Memorandum in Support, 14. Proposed Int. No. 303-B - 5/8/26

Date	Ver.	Action By	Action	Result
1/29/2026	*	City Council	Introduced by Council	
1/29/2026	*	City Council	Referred to Comm by Council	
2/18/2026	*	Committee on Civil Service and Labor	Hearing Held by Committee	
2/18/2026	*	Committee on Civil Service and Labor	Laid Over by Committee	

Proposed Int. No. 303-B

By Council Member Marte, the Public Advocate (Mr. Williams) and Council Members Restler, J. Sanchez, Epstein, Ossé, Feliz, Banks, Abreu, Dinowitz, Hanks, Mealy, Won and Salaam

A Local Law to amend the administrative code of the city of New York, in relation to maximum working hours for home care employees

Be it enacted by the Council as follows:

Section 1. Paragraph 3 of subdivision a of section 20-1208 of the administrative code of the city of New York, as amended by local law number 52 for the year 2026, is amended to read as follows:

3. For each violation of:

(a) Section 20-1204,

(1) Rescission of any discipline issued, reinstatement of any employee terminated and payment of back

pay for any loss of pay or benefits resulting from discipline or other action taken in violation of section 20-1204;

(2) \$500 for each violation not involving termination; and

(3) \$2,500 for each violation involving termination;

(b) Section 20-1221, \$200 and an order directing compliance with section 20-1221;

(c) Section 20-1222, payment of schedule change premiums withheld in violation of section 20-1222 and \$300;

(d) Section 20-1231, payment as required under section 20-1231, \$500 and an order directing compliance with section 20-1231;

(e) Section 20-1241, \$300 and an order directing compliance with section 20-1241;

(f) Subdivision a of section 20-1251, the greater of \$500 or such employee's actual damages;

(g) Subdivisions a and b of section 20-1252, \$300; [and]

(h) Subdivision a or b of section 20-1262, \$500 and an order directing compliance with such subdivision, provided, however, that an employer who fails to provide an employee with the written response required by subdivision a of section 20-1262 may cure the violation without a penalty being imposed by presenting proof to the satisfaction of the department that it provided the employee with the required written response within seven days of the department notifying the employer of the opportunity to cure; and

(i) Section 20-1292, \$2,500, or \$500 for an employer that is a consumer participating in the consumer directed personal assistance program pursuant to section 365-f of the social services law, and an order directing compliance with section 20-1292, provided that an employer that is a consumer participating in the consumer directed personal assistance program pursuant to section 365-f of the social services law shall not be liable for a monetary penalty for a first violation.

§ 2. Subdivision a of section 20-1211 of the administrative code of the city of New York, as amended by local law number 52 for the year 2026, is amended to read as follows:

a. Claims. Any person, including any organization, alleging a violation of the following provisions of this chapter may bring a civil action, in accordance with applicable law, in any court of competent jurisdiction:

1. Section 20-1204;
2. Section 20-1221;
3. Subdivisions a and b of section 20-1222;
4. Section 20-1231;
5. Subdivisions a, b, d, f and g of section 20-1241;
6. Section 20-1251;
7. Subdivisions a and b of section 20-1252; [and]
8. Section 20-1272;
9. Section 20-1282;
10. Section 20-1283;
11. Section 20-1284;
12. Section 20-1286;
13. Section 20-1289; and
14. Section 20-1292.

§ 3. Chapter 12 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 9 to read as follows:

#### SUBCHAPTER 9

#### MAXIMUM HOURS FOR HOME CARE EMPLOYEES

§ 20-1291 Definitions. As used in this subchapter, the following terms have the following meanings:

Case. The term “case” means all home care shifts assigned to a home care employee to provide services to a home care recipient.

Designated agreement. The term “designated agreement” means an existing agreement that is renewed

or replaced on or before December 31, 2027, and that includes a termination date.

Existing agreement. The term “existing agreement” means an enforceable agreement, including a valid collective bargaining agreement, between a home care employee and a home care employer that was entered into on or before February 18, 2026.

Home care employee. The term “home care employee” means an employee whose primary responsibility includes the provision of in-home assistance with basic activities of daily living, instrumental activities of daily living, or health-related tasks or in-home companionship services for an older adult or a person with an illness, injury, or disability. The term shall include a home care aide as defined in section 3614-C of the public health law.

Home care employer. The term “home care employer” means an employer that employs a home care employee.

Home care recipient. The term “home care recipient” means an older adult or a person with an illness, injury, or disability receiving in-home assistance with basic activities of daily living, instrumental activities of daily living, or health-related tasks or in-home companionship services from a home care employee.

Home care services agency. The term “home care services agency” has the same meaning as set forth in subdivision 2 of section 3602 of the public health law.

Home care shift. The term “home care shift” means a span of consecutive hours starting when a home care employer requires a home care employee to report to a work location and ending when such home care employee is free to leave a work location, provided that rest, meal or sleep breaks do not constitute an interruption of such span of consecutive hours.

Older adult. The term “older adult” means a person 60 years of age or older.

Unforeseeable emergent circumstance. The term “unforeseeable emergent circumstance” means an unpredictable or unavoidable occurrence that requires immediate action, provided that a staffing shortage shall

not constitute an unforeseeable emergent circumstance.

§ 20-1292 Maximum home care hours. a. Except as provided in subdivisions c and d of this section, no home care employer shall assign any home care employee to work:

1. Any single home care shift exceeding 12 hours;
2. Consecutive 12-hour home care shifts; or
3. Home care shifts totaling more than 12 hours in any 24-hour period.

b. Except as provided in subdivisions c or d of this section, no home care employer shall assign a home care employee to work home care shifts totaling more than 56 hours per week.

c. 1. Until October 1, 2027, a home care employer may assign a home care employee to work hours in excess of the limitations set forth in subdivision a of this section if the home care employee knowingly agrees to work such hours in writing.

2. A home care employer may assign a home care employee to work hours in excess of the limitations set forth in subdivision b of this section if the home care employee knowingly agrees to work such hours in writing.

3. The agreement to work excess hours pursuant to paragraph 1 of this subdivision shall indicate, in a form and manner that the commissioner may designate, the following information for each case:

- (a) The date and hours of each shift agreed to pursuant to paragraph 1 of this subdivision;
- (b) Each break, including meal or sleep periods, that is excluded from such home care employee's work hours in accordance with applicable law, if any; and
- (c) A statement explaining how a home care employee can report to a home care employer or a government agency a circumstance that prevented such home care employee from taking any break; and
- (d) Any other information that the commissioner determines would aid a home care employee in deciding whether to accept an assignment that exceeds the limitations set forth in subdivisions a or b of this section, as determined by the department by rule.

4. A home care employee shall have the right to revoke such agreement to work hours in excess of the limitations set forth in subdivision a or b of this section, provided however a home care employer may require a home care employee to provide written notice of the revocation 5 calendar days in advance of the effective date of such revocation.

5. A home care employee may provide electronic written agreement to work excess hours under this section, and may electronically provide revocation of such agreement.

6. A home care employer taking an adverse action, as described in subdivision a of section 20-1204, against a home care employee within 90 days of the home care employee's exercise or attempted exercise of any right under this subchapter creates a rebuttable presumption of the home care employer having taken such adverse action in retaliation for the home care employee's exercise or attempted exercise of such right.

d. In the event of an unforeseeable emergent circumstance, a home care employer may assign a home care employee to work hours in excess of the limitations set forth in subdivision a or b of this section, without the knowing agreement of such employee as described in subdivision c of this section, provided that such excess hours shall not exceed 2 hours per day or 10 hours per week, unless such excess hours are necessary to protect life or safety of the home care recipient or home care employee.

e. The department may, by rule, specify the form and manner in which a home care employee may provide or revoke their agreement to work excess hours in accordance with subdivision c of this section.

f. 1. A home care employer shall maintain all records required pursuant to subdivision c of this section and any other records or information necessary to the implementation and enforcement of this subchapter.

2. A home care employer must maintain records in their original format and provide such records to the department in their original format or a machine-readable electronic format as set forth in rules of the department.

g. Any investigation shall include interviews with affected home care employees. The department may open an investigation on its own initiative.

h. The provisions of this section shall apply to home care employees subject to a designated agreement on the date of the termination of such designated agreement.

i. The provisions of this section shall not apply to any home care employee covered by an existing agreement.

§ 20-1293 Notice of rights. a. The commissioner shall develop a notice to inform home care employees of their rights under this subchapter and the manner in which violations of this subchapter may be enforced. Such notice shall be posted on the department's website and provided to any person upon request. Such notice shall be made available in a downloadable format on the department's website in accordance with the requirements for language access as described in chapter 11 of title 23. The department shall update such notice if any changes are made to the requirements of this subchapter or as otherwise deemed appropriate by the commissioner.

b. A home care employer shall provide each home care employee with a copy of the notice required by subdivision a of this section in English and in the preferred language of such home care employee, if the commissioner has made the notice available in that language. Such notice shall be provided to each home care employee at the commencement of employment. For home care employees who were employed prior to the effective dates of the provisions of this subchapter establishing their rights, the notice shall be provided within 30 days of the effective date of the local law that established each such right.

c. A home care employer that willfully violates the notice requirements of this section shall be subject to a civil penalty in an amount not to exceed \$50 for each home care employee who was not given appropriate notice pursuant to this section.

§ 20-1294 Industry study. a. The department, in coordination with additional agencies or offices as determined by the commissioner, shall conduct a study on the home care industry within the city. In conducting such study, the department shall consider, at minimum, the following information, to the extent such information is available to the department:

1. The number of home care recipients in the city;
  2. The total number of home care employees in the city;
  3. The number of home care services agencies operating in the city;
  4. The number of home care employees employed by more than 1 home care services agency;
  5. The number of home care employees employed pursuant to the consumer directed personal assistance program as defined in section 3614-C of the public health law;
  6. The number of home care employees subject to a collective bargaining agreement;
  7. The number of home care employees who have submitted complaints to the department regarding workplace violations; and
  8. The total number of home care employees who were assigned to a shift in excess of the limitations set forth in subdivision a of section 20-1292 and the number of home care employees who indicated to their home care employer that they did not receive at least 3 hours of break time and 8 hours of sleep time, of which 5 hours of sleep time were uninterrupted during such shift.
- b. No later than April 1, 2028, the department shall post on its website and submit to the mayor and the speaker of the council a report summarizing the data required to be considered pursuant to subdivision a of this section.

§ 4. This local law takes effect April 1, 2027.

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