



Legislation Text

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Preconsidered Res. No. 202

Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation to increase the wages and improve the working conditions of home care aides to support these workers and ensure essential growth of New York's vital home care workforce.

By the Speaker (Council Member Adams) and Council Members Hudson, Mealy and Farías

Whereas, New York City (City) residents who live with the limitations of illness, disability, or age rely on the help of home care aides to carry out essential tasks while remaining in their homes; and

Whereas, In recent years, the increasing preference to age in place, combined with the explosive growth in the aging population, has led to an increased demand for home care aides; and

Whereas, Between 2021-2040, New York State's (State) population of adults age 65 and older is expected to grow by 25 percent, and the number of adults over age 85 is expected to grow by 75 percent, according to a City University of New York (CUNY) Graduate Center report on public investment in higher pay for home care workers; and

Whereas, CUNY has also projected that to meet growing demand, the number of home care aides would need to reach 700,000 by 2028, up from 440,000 in 2018; and

Whereas, Despite this urgent need, home care worker shortages are projected in every state across the United States, with the State and City facing the worst home care worker shortage in the country, according to a 2021 Mercer report; and

Whereas, In 2019, a statewide survey of home care agencies from CUNY found that 17 percent of positions went unfilled because of staff shortages, leaving many New Yorkers with unmet home care needs, and increasing admittance to hospitals or costly nursing homes to access services; and

Whereas, A July 2021 State Senate Aging Committee report found that home care agency staffing shortages resulted in as many as 30 percent of new patients being turned away; and

Whereas, Despite their important and demanding work, pay for home care aides is very low; and

Whereas, As a result of minimum wages and Medicaid reimbursement rates that are fixed at the State level, typical wages for home care aides who service City residents are \$18.55 per hour, plus an additional \$2.54 per hour, either in the form of wages or a supplemental benefit; and

Whereas, As a result of low wages and the City's high cost of living, many full time home care aides are forced to rely on Medicaid and public assistance; and

Whereas, Additionally, according to a 2020 report by Public Health Institute, 90 percent of direct care workers are women, 3 in 5 are people of color, and 1 in 4 are immigrants, clearly demonstrating that the burdens of the occupation fall disproportionately on women of color; and

Whereas, The problem of inadequate pay is only compounded by the challenging working conditions home care aides experience; and

Whereas, The intimate hands on duties of home care are demanding, and can cause or worsen health conditions for home care aides themselves; and

Whereas, Home care shifts can be long, sometimes totaling 24 hours-known as a "live-in shift"-only 13 of which are compensable in most cases under regulations of the State Department of Labor; and

Whereas, The low pay of home care incentivizes some home care aides to seek as many shifts as possible, placing a significant burden on their personal health and wellbeing and undermining their ability to provide home care over the long term; and

Whereas, Out of concern for the low wages and difficult working conditions of home care aides, worker advocates have called for compensation for every hour worked and commensurate reimbursement through Medicaid, as well as limitations on the maximum hours and duration of shifts that home care aides may be assigned to work, including a ban on the demanding live-in 24-hour shift; and

Whereas, At a September 6, 2022, City Council hearing before the Committee on Civil Service and Labor, stakeholders and advocates including 1199 SEIU, Consumer Directed Personal Assistance Association of New York State, and State Assembly Member Richard Gottfried, former Chair of the State Assembly’s Health Committee, agreed that the elimination of 24-hour shifts, without an increase in wages, could have serious consequences for patients and workers alike; and

Whereas, Banning 24-hour shifts without increasing wages and Medicaid reimbursements for home care would require home care providers to pay at least 2 workers to cover each implicated patient over each 24-hour period of prescribed care; and

Whereas, Requiring home care providers to hire more home care aides to perform more shifts, as well as to pay wages for every hour of every live-in shift without commensurate reimbursement through Medicaid, would significantly increase their financial liability and could result in reduced shifts for workers and reduced care for patients, leaving both groups worse off; and

Whereas, In recognition of the low wages of home care aides, State Senator Rachel May and State Assembly Member Amy Paulin introduced S.3189-A/A.8821, entitled the “Fair Pay for Home Care Act,” which would raise home care wages to 150 percent of the minimum wage and require Medicaid to reimburse claims for billed home care work at the same rate to promote compliance; and

Whereas, Additional pending state legislation, S.7800/A.8470, the “Home Care Savings and Reinvestment Act,” introduced by State Senator Gustavo Rivera and State Assembly Member Amy Paulin, would further address home care workforce challenges and generate significant annual savings for the State and City; and

Whereas, According to the sponsor memo, S.7800/A.8470 would repeal the State’s partially capitated Medicaid managed long-term-care program and instead provide long-term-care benefits, which include home care, under a fee-for-service model or fully capitated model, as appropriate, ensuring more uniform care for

patients and more adequate reimbursement to providers to support home care aide wage increases; and

Whereas, The passage of legislation like S.3189-A/A.8821 and S.7800/A.8470 could do much to improve the state of home care in the City, and the State should do even more to protect this crucial workforce, including guaranteed pay for all hours of 24-hour live-in shifts; and

Whereas, Home care workers make up one of the largest and most important sectors of the City economy and deserve fair pay and working conditions for the critical services they provide; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, legislation to increase the wages and improve the working conditions of home care aides to support these workers and ensure essential growth of New York's vital home care workforce.

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