

**Testimony of Carlos A. Ortiz, Deputy Commissioner for External Affairs
New York City Department of Consumer and Worker Protection
Before the Committee on Civil Service and Labor
Hearing on Introduction 303**

February 18, 2026

Introduction

Good afternoon, Chair Aldebol and members of the Committee. My name is Carlos Ortiz, and I am the Deputy Commissioner of External Affairs for the Department of Consumer and Worker Protection (DCWP). I am joined by my colleague, Elizabeth Wagoner, DCWP's Deputy Commissioner of the Office of Labor Policy and Standards. Thank you for the opportunity to testify today on Introduction 303, relating to maximum working hours for home care aides.

Commitment to New Yorkers

The NYC Department of Consumer and Worker Protection (DCWP) is the nation's leading municipal enforcement agency charged with delivering economic justice. DCWP leverages its authority to bring New Yorkers real economic relief and protect them from predatory, deceptive, and unfair practices that violate their rights as consumers and workers. This includes pioneering cutting-edge protections, such as the City's Consumer Protection Law, Protected Time Off Law, Fair Workweek Law, and Delivery Worker Laws. Through licensing more than 45,000 businesses in over 45 industries, DCWP ensures fair competition and a level playing field for responsible small businesses that are integral to New York City's vibrant communities. DCWP also provides essential services such as free tax preparation and financial counseling to ensure New Yorkers keep more of what they earn and can plan for their futures. DCWP is committed to making sure New York City is a fairer, more affordable place to live.

Paid Care Advocacy and Enforcement

DCWP has been at the forefront of advocating for enhanced protections for paid care workers for nearly a decade. We are home to the City's Paid Care Division, a first-in-the-nation initiative to focus on the needs of low-wage paid care workers.¹ Through the Paid Care Division, DCWP has built relationships with advocates and provider organizations, holding annual convenings of workers, to help connect them with assistance and educate them about their rights. DCWP has combined outreach, advocacy, and enforcement to uphold and expand the rights of paid care workers in New York City. The Protected Time Off Law, formally known as the Earned Safe and Sick Time Act, covers paid care workers, including domestic workers and home health workers.

During the early months of the pandemic, we partnered with the Council to update this law to allow domestic workers to accrue their safe and sick time at the same rate as other workers in New York City.² We also advocated for and achieved a private right of action for workers to be

¹ [Paid Care Worker Rights - DCWP](#)

² Ibid.

able to bring their own cases forward for violations of their rights³. Lastly, the Protected Time Off Law, newly provides for additional uses of leave, including to care for a child or to attend a legal proceeding⁴.

DCWP has proactively used its enforcement authority to go after unlawful workplace activity in the paid care industry. We are currently investigating multiple home healthcare employers for sick time violations under the Protected Time Off Law. Following our standard procedures in these situations, these are citywide investigations to protect all affected workers. As an example of this practice, last year, we resolved a sick time case against Elara Caring for not allowing workers to take time off work as required by law, which resulted in nearly \$1 million in restitution and civil penalties to more than 2,200 workers. DCWP also regularly partners with state authorities to identify and investigate complaints related to labor protections outside of our jurisdiction.

Home Care Aide Workforce

There are approximately 300,000 home care workers in New York City providing essential assistance, comfort, and dignity to the people in their care, while working long hours and performing emotionally and physically difficult labor out of the public view.⁵ Home care workers represent the largest share of the healthcare workforce, made up in large part by immigrant women, oftentimes older adults themselves being paid only a little more than half of a New York City living wage.⁶

Currently, the New York State Department of Labor (NYS DOL) allows for home care workers to be scheduled for 24-hour shifts. For each 24-hour shift, an employer is permitted to pay the workers for only 13 hours if the worker receives 3 hours for meal breaks and an 8-hour sleep break, 5 hours of which must be uninterrupted sleep. If the worker does not receive these breaks, the worker must be compensated for the entirety of the 24-hour shift.

Our understanding is that a majority of home care patients pay for their care through Medicaid reimbursements. That Medicaid funding is directed to health insurance providers or local municipal agencies. These entities contract with local home care providers to employ the home care workers for the patient. Depending on the needs of the patient, a single home care worker could be scheduled for a 24-hour shift, for which the worker will typically only be paid for 13 hours.

Introduction 303

Introduction 303 would prohibit scheduling home care aides for shifts longer than 12 hours, consecutive 12-hour shifts, or shifts totaling more than 12-hours in a 24-hour period, except an

³ [Local Law 22 of 2024](#)

⁴ [Local Law 145 of 2025](#)

⁵ [NYS Occupational Employment and Wage Statistics \(OEWS\) program | Department of Labor](#)

⁶ [Essential But Ignored: Low-Earning Immigrant Healthcare Workers and their Role in the Health of New York City - The Center for Migration Studies of New York \(CMS\)](#)

employer could assign up to 2 additional hours per day or 10 hours per week for limited unforeseeable circumstances. It would also cap a worker's scheduled hours at 56 hours per week, unless the worker gives consent and the employer provides two-weeks advance notice.

DCWP supports the intent of this legislation to improve working conditions and compensation for home health aides. All levels of government must work together to address the exploitation that workers in this essential sector face far too often. Workers should always be paid for all of the hours that they work. The practical realities of paid care work make it common for home care workers' sleep and meal periods to be interrupted.⁷ Yet, despite NYS DOL requirements we have heard of some workers not being compensated for the full 24-hours, even when they report sleep and meal interruptions. Many of the workers in this industry are women of color and immigrants, who have expressed fears of retaliation, or in fact have experienced retaliation, when they report that their rest periods have been interrupted or that they have not been fairly compensated. This dynamic must be addressed. However, we have concerns that prohibiting 24-hour shifts without additional Medicaid funding to home care providers could have unintended consequences for patients and workers. If home care providers do not receive the funding to properly pay multiple workers to cover an entire day for a home care patient, care could be disrupted and less shifts could be available for workers.

Ensuring home care workers are paid for the hours they work will require a comprehensive response. Stronger enforcement of NYS DOL requirements is essential, as are greater protections for workers, especially immigrant workers, who have expressed fear of reporting violations. Prohibiting 24-hour shifts will require working collaboratively with the state to establish the necessary funding streams for implementation. Ultimately, this coordination is vital to being able to address the fundamental issues workers are raising with respect to the exploitation they face in the workplace, particularly around lack of rest and wage theft, as well as improving care conditions for New Yorkers.

Conclusion

Once again, I would like to thank the Council for the opportunity to testify on today's legislation and for your commitment to addressing workplace issues that impact New York City's home care workers. DCWP and the Administration are committed to continued collaboration with workers, advocates, and policymakers to improve working and care conditions for all New Yorkers. We look forward to today's discussion and questions.

⁷ Ibid.