

LIVE-IN ISSUE IS HEADED TO THE COURT OF APPEALS

Home Care Alert
March 7, 2018

After years of uncertainty concerning the compensation of aides who work shifts of 24 hours or more (commonly referred to as “live-in aides”), the case that started it all — *Andryeyeva v. New York Health Care, Inc.* — will be reviewed by the Court of Appeals, New York’s highest court. Today, the Appellate Division of the Supreme Court, Second Department, granted the defendant home care agency in *Andryeyeva* leave to appeal to the Court of Appeals. The question certified by the Second Department to the Court of Appeals is whether *Andryeyeva* was properly decided. As a result, it appears the New York home care industry will soon have a definitive answer to the question of whether live-in aides must be paid for all 24 hours of a live-in shift, regardless of whether they received bona fide meal and sleep periods.

If you have questions about this case or how it affects your wage and hour practices, please contact any member of our Home Care Group.

Attorneys

Reetuparna Dutta
Rob Fluskey
Peter Godfrey
John Godwin
Michelle Merola
Kinsey O'Brien
Matthew Parker
David Stark
Sujata Yalamanchili

Practices & Industries

Home Care