



A Robinson+Cole Legal Update

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Recent Amendments to Home Care Worker Wage Parity Law

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On April 3, 2020, New York State passed legislation implementing amendments to the Home Care Worker Wage Parity Law, contained in section 3614-c of the New York Public Health Law. Generally speaking, the Home Care Worker Wage Parity Law (the Act) sets certain minimum hourly compensation thresholds for certain home care aides employed in parts of New York State, including New York City and the surrounding areas, who perform Medicaid-covered work.

The recent amendments implement additional reporting and notice requirements as well as impose criminal penalties on home care agencies, Licensed Home Care Service Agencies (LHCSAs), and others covered by the Act who willfully pay less than the minimum required compensation under the Act. The amendments also prohibit any portion of the funds spent or to be spent in satisfying a wage parity benefit from being returned to the covered entity in any manner, including by way of refund, dividend or profit.

In addition, the amendments require covered home care agencies to identify on a home care worker's Notice of Pay Rate and weekly wage statements each type of wage parity benefit provided. Covered entities are also required to certify their compliance with the Act through an annual compliance statement of wage parity hours and expenses in the form provided by the New York State Department of Labor and accompanied by an independently-audited financial statement verifying such expenses. These additional reporting and notice requirements take effect on October 1, 2020, while the remainder of the amendments are effective immediately.

Moving forward, given the many changes to the industry resulting from the current COVID-19 pandemic and otherwise, home care agencies, LHCSAs, and others covered by the Act may want to review their policies and procedures in order to ensure compliance with the new legislation.

FOR MORE INFORMATION

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