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December 4, 2024

Roberta Reardon, Commissioner

NYS Department of Labor
Building 12
W.A. Harriman Campus
Albany, NY 12226

Dear Commissioner Reardon:

I am writing to you in response to the Supreme Court of the State of New York's latest decision on the Article 78 petition *Gui Zhu Chen et al v. Roberta Reardon*. The Court has ruled in favor of hundreds of home care workers against the New York State Department of Labor (NYSDOL).

The Court determined that NYSDOL was wrong to drop hundreds of unionized home care workers' wage theft cases. I urge you to immediately comply with the court's order to re-open these cases, and to enforce our state's labor laws. I also implore you to expeditiously enforce the NYS Minimum Wage Law and NYS Home Care Worker Wage Parity Law (NY Public Health Law, Section 3614-C) in these workers' cases by compelling their law-breaking employers to pay them their back wages.

The petitioners were forced to work 24-hour shifts without their mandated five hours of uninterrupted sleep or three hours of meal breaks, and were never paid for more than 13 hours of work for any of these shifts. This is a direct violation of the Minimum Wage Act's "13-hour rule". Many of these wage theft cases have been open and under investigation by NYSDOL for several years, some as early as 2018.

It is imperative that NYSDOL follows its core mandate of enforcing the labor laws of our state to protect the people of New York from criminal wage theft.

Sincerely,

Ron Kim
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Chair, Committee on Aging



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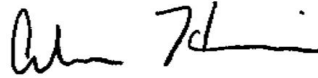
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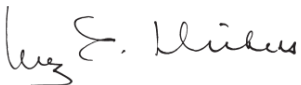
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cc: Governor Kathy Hochul