



Live-In Update **Emergency Rule Extended**

Last month, the New York State Department of Labor ([DOL](#)) extended its emergency [rule](#) stating that home care aides working a 24-hour shift or longer do not need to be paid for meal or sleeping breaks that are excluded from hours worked under the federal Fair Labor Standards Act (FLSA). The rule will now expire on April 4, 2018, unless extended again. As we have previously reported, DOL is expected to issue a permanent rule at some point in the future.

Additionally, the New York State Industrial Board of Appeals ([IBA](#)) [rejected](#) the Urban Justice Center's petition challenging the emergency rule. The IBA found that DOL issued the rule under the State Administrative Procedure Act, making its legal review outside of the IBA's statutory jurisdiction. The petitioners are permitted to appeal the IBA's decision to the New York State Appellate Division's Third Department.

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