



NY Dept. Of Labor Hits Brakes On “Call-In” Scheduling Regulations

News

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The New York State Department of Labor just announced that it has dropped its efforts to institute new regulations aimed at providing employees with predictive scheduling statewide, or compensating them for last-minute schedule changes. What do employers need to know about this announcement?

Background: Proposal Draws Ire Of Business Community

As we previously reported, the New York State Department of Labor issued proposed regulations in December 2018 seeking to curb on-call scheduling, “call-in” shifts, and last-minute shift changes. The proposed regulations would have significantly expanded employers’ responsibility to pay their employees call-in pay, and would have required employers to pay their employees for: (1) unscheduled shifts, (2) cancelled shifts, (3) on-call time, and (4) call for schedule shifts. A similar proposal was issued in November 2017.

The proposal faced a great deal of opposition from the business community. On February 28, the Department of Labor announced a withdrawal of the proposed regulations. It also stated that it will not be seeking to implement these types of predictable scheduling rules. However, the agency indicated that it may re-evaluate this concept in the future, possibly in partnership with the state legislature.

What’s Next?

The Department of Labor’s announcement should let businesses breathe a sigh of relief, as the proposed regulations would have imposed onerous scheduling regulations. However, employers should be mindful to comply with already existing regulations regarding call-in pay and employee scheduling, as well as all state wage and hour laws. Retail and fast food employers in New York City remain subject to the New York City Fair Workweek Laws.

We will continue to monitor further developments both city and statewide, so you should ensure you are subscribed to Fisher Phillips’ alert system to gather the most up-to-date information. For help with compliance steps or to answer questions, please contact your Fisher Phillips attorney or any attorney in our New York City office.

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