



March 2019

NY Department of Labor Shelves Proposed Scheduling Regulations

By Carolyn D. Richmond, Glenn S. Grindlinger, and Erika H. Rosenblum

The New York State Department of Labor (NYDOL) announced that, at this time, it is no longer going to pursue regulations to the Miscellaneous Industries Wage Order that would have required “call-in pay” or “on-call” scheduling.

The decision to allow the regulatory process to expire is a result of the widespread feedback the NYDOL received criticizing the proposed regulation’s “one-size-fits-all” approach. The NYDOL’s decision does not impact call-in pay requirements set forth under other New York wage orders, such as the Hospitality Industry Wage Order.

Further, some New York City employers have additional call-in, on-call and scheduling requirements under the New York City Fair Workweek Law (see our prior [Alert](#)); the NYDOL’s decision does not impact the Fair Workweek Law.

For more information about this alert, please contact Carolyn D. Richmond at 212.878.7983 or crichmond@foxrothschild.com, Glenn S. Grindlinger at 212.905.2305 or ggrindlinger@foxrothschild.com, or any member of the firm’s Labor and Employment Department.