

**1199SEIU United Healthcare Workers East
Home Care Wage & Hour Arbitration Member FAQ**

(1) Why did 1199SEIU file a grievance about wages and what was the arbitration about?

In 2019, 1199 filed a class action grievance against forty-two home care agencies on behalf of current and former bargaining unit members represented by 1199. The grievance was filed because 1199 believed that employers violated their CBAs and state and federal wage and hour laws by not always paying for interruptions to sleep and meal times on 24-hour cases, not paying overtime under federal law between January 2015 and October 2015, and not paying travel time prior to 2015. Under the CBA, the grievance proceeded to mediation and then arbitration. Pursuant to the CBA, the Arbitrator must apply state and federal law.

(2) What did the Arbitrator award?

In February 2022, the Arbitrator issued an Award finding that all forty-two employers had violated various laws to some extent and provided for the creation of a Special Wage Fund to be funded by the employers in the approximate amount of \$30 million.

(3) Who will pay for the Special Wage Fund?

The 42 employers will create the Special Wage Fund by making contributions for each individual employee who was on their payroll at any time between the beginning of the relevant period (in most cases January 2, 2013) and October 31, 2021, regardless of whether the individual worker has a claim.

(4) Which Employers are covered by the Special Wage Fund?

ABC Health Service Registry, AccentCare of NY, Inc., Alliance for Health, Alliance Home Services, Azor Home Care, Bronx Jewish Community Council Home Attendant Services, Bushwick Stuyvesant Heights Home Attendant, CABS Home Care, Care at Home, Chinese-American Planning Council Home Attendant Program, Inc., CIDNY, Cooperative Home Care, Family Home Care Services of Brooklyn and Queens, FECS Home Care, First Chinese Presbyterian CAHA, Home Care Services For Independent Living, Home Health Management, New York Foundation for Senior Citizens Home Attendant, Partners in Care, Personal Touch Home Care of N.Y., Personal Touch Home Care of Long Island, Personal Touch Home Care of Westchester, People Care, Inc., Premier Home Health Care, Prestige Home Attendant d/b/a All Season, Prestige Home Care, Priority Home Care, PSC Community Services, Inc., RAIN Home Attendant Services, Inc., Region Care, Richmond Home Needs, RiseBoro Homecare, Inc., Riverspring Licensed Home Care Agency, Rockaway Home Attendant, Saint Nicholas Human Support Corp., School Settlement Home Attendant Corp., Special Touch Home Care Services, Inc., Stella Orton Home Care, Sunnyside Home Care Project, Sunnyside Citywide Home Care, United Jewish Council of the East Side Home Attendant Services, Wartburg – No Place Like Home Care

(5) What if my Employer is not covered?

If you work for an agency that is non-1199 or is not listed above, you will not be eligible to file a claim. If you previously worked for any of the agencies listed above, you are still eligible to file a claim.

(6) How will the Special Wage Fund be distributed?

The Special Wage Fund will be distributed to eligible 1199 workers who worked at any of the 42 agencies listed above who timely submit a claim form to the claims administrator.

(7) Do I need to submit a claim form to get a check from the Special Wage Fund?

Yes, you must submit a claim form to receive a check.

(8) How do I obtain a claim form?

Claim forms will be mailed by Arden Claims Service on or around April 25, 2022. If you don't receive your claim form in the mail, please reach out to your Union organizer.

(9) What if I worked for multiple agencies on the list?

You only need to submit one claim form.

(10) Will my hours from both agencies count?

Yes, the hours and shifts you worked at each agency will count in determining your share of the Special Wage Fund.

(11) How much will I get?

The amount an individual worker will receive will depend upon the number of hours they worked and/or the number of 24-hour shifts worked, but also on the number of workers who timely submit claim forms. Each worker's distribution will be determined by the formula approved by the Arbitrator.

(12) Will the Special Wage Fund be evenly divided amongst all the workers?

No. The Special Wage Fund will be distributed to all workers who submit timely claims according to the formula established by the Arbitrator. The Special Wage Fund favors those workers who worked on 24-hour cases (approximately 5-7% of workers) and those workers will get more than workers who did not work 24-hour cases.

(13) When will workers receive checks from the Special Wage Fund?

Arden Claims Service will mail workers a notice and claim form around the end of April 2022. Workers will have sixty days to submit their claim form. Checks are expected to mail around August 2022.

(14) Will the Special Wage Fund be used for any other purpose?

In addition to paying the claims of 1199 workers, the Special Wage Fund will pay the costs of the Arbitration and distribution of the Special Wage Fund, and limited attorneys' fees (though 1199 will waive it's right to recover attorneys' fees from the Special Wage Fund). In a typical class action case, upwards of thirty percent of a distribution goes to pay attorneys' fees, which will not happen here. In the event there are funds remaining after checks are mailed to Employees (i.e. as a result of uncashed, undelivered checks, etc.), those funds will be deposited to the 1199SEIU Home Care Industry Education Fund, which provides education and training for home care workers. No dollar of the Special Wage Fund will revert to an Employer.