



New York State Department of Labor
Eliot Spitzer, *Governor*
M. Patricia Smith, *Commissioner*

February 6, 2008



Re: Request for Opinion
Twenty - Four Hour Shifts
File No. RO-08-0007

Dear [REDACTED]:

I have been asked to respond to your correspondence of December 26, 2007, in which you request an opinion on whether or not Registered Physician Assistant's (hereinafter RPA's), may legally work twenty-four hour shifts. In your inquiry you state that the current aim of the RPA's at your place of employment is to work twenty-four hour shifts; within which two, one-hour breaks, will be afforded for a total of two hours in break time per twenty-four hour period worked. You state that following each twenty-four hour shift worked, the RPA will have a minimum of twenty-four hours off until their next scheduled shift. You further indicate that your hospital administration needs documentation that there is no law prohibiting the aforementioned work schedule.

New York State Labor Law does not limit the number of hours a RPA may work. While Section 161 of the Labor Law mandates that certain employees be provided with "at least twenty-four consecutive hours of rest in any calendar week" this provision is inapplicable to hospital settings. The New York State Department of Health (DOH) does have regulations regarding working hours of certain medical professions. However, that area falls outside of the Department of Labor's jurisdiction, as such I cannot offer you guidance on those regulations, but would suggest that you reach out to the DOH.

Please note that this opinion is based solely upon the information you provided in your

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correspondence of December 26, 2007. A different opinion could result if the information you provided was inaccurate, or if relevant facts were not disclosed.

Should you have any further questions please do not hesitate to contact me.

Very truly yours,

Kristen L. Broden, Esq.
Senior Attorney

KLB
cc: Carmine Ruberto
Opinion File