



NEW YORK STATE SENATOR

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Protecting Nurses and Patients

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Mandatory overtime (MOT) often results in nurses working long hours with little rest. These dangerous conditions can increase the risk of nurses making errors in the care of patients, and can negatively affect the well-being of those patients.

To combat the problem, our state has enacted a new law, which recently took effect, to ban mandatory overtime for nurses (RNs and LPNs). The law, which I co-sponsored, prohibits public and state health care facilities, as well as hospitals from requiring nurses to work beyond their regularly scheduled work hours. However, it does not place a limit on the number of hours nurses can work, if they volunteer to do so.

Not only will this law help to protect our patients, it will also help our state maintain its RN and LPN workforce. Unfortunately, we have been suffering from a shortage of nurses, which has only been exacerbated by overworked nurses leaving the field for less demanding jobs. This problem will be reduced with our new law, and the ban will help to improve our current health care environment.

The prohibition on mandatory overtime will apply in most cases, but there are some circumstances where it will not apply in order to protect patients. It will not apply in the following circumstances: natural or other types of disasters that increase the need for

nursing services; a federal, state or county declaration of emergency; or when a nurse is engaged in an ongoing medical or surgical procedure. Additional circumstances where the law will not apply include: when it's necessary to provide safe patient care where no other alternative staffing is available, and when a nurse voluntarily agrees to work overtime.

If you are a nurse, make sure your employer is adhering to the law. If you believe that the law has been violated, you should notify the state Department of Labor (DOL) and fill out a complaint summarizing the circumstances. You will need to provide the DOL with the date and time of the incident, your regularly scheduled work hours, the number of hours you were mandated to work, the reason given for MOT, and the names of all of the individuals involved.

You can file a report by calling 888-4-NYSDOL, or by emailing nysdol@labor.state.ny.us. It is best to make the complaint as soon after the incident as possible, and you cannot be penalized or discharged by your employer for filing complaints with the DOL.