



## Legislation Text

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**File #:** Res 0333-2004, **Version:** \*

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### Res. No. 333

Resolution calling upon the State Legislature to adopt A.3897/A.6251/S.680, which would restrict the consecutive number of hours that nurses are required to work, except in emergencies.

By Council Members Quinn, Clarke, Oddo, Sears, Stewart, Vann, Palma, Avella, Barron, Brewer, Boyland, Fidler, Gerson, Lopez, Nelson, Perkins, Rivera, Seabrook, Weprin and Jackson

Whereas, Currently, employer reliance on mandatory overtime to fill staffing gaps creates unsafe and unsatisfying working conditions, which are a contributing factor to the nursing shortage; and

Whereas, According to a recent survey of the State Office of the Professions, almost 45% of full-time, single-job Registered Nurses (RNs) work overtime, and for nearly 15% of this group, overtime work is always mandatory, while for another 43% the overtime work is sometimes mandatory; and

Whereas, Abuses of mandatory overtime create ethical, professional and personal dilemmas for many nurses; and

Whereas, Mandatory overtime also creates a tremendous burden on nurses who are primary care providers and must make arrangements to care for children or other dependents; and

Whereas, According to the New York State Nurses Association, while the nursing profession's code of conduct and licensure regulations prohibit nurses from abandoning their patients, if the nurse is so tired that safe care cannot be assured, the same rules of professional conduct require that the nurse notify the employer that a replacement must be found; and

Whereas, A.3897/A.6251/S.680 would prohibit health care employers from requiring an RN or Licensed Practical Nurse (LPN) to remain on duty for a period longer than 8 consecutive hours or 40 hours in a 7 day workweek, except as consistent with those hours a nurse has agreed to work and is normally scheduled to work;

and

Whereas, Pursuant to the legislation, no employer would require a nurse to work more than that nurse's regularly scheduled work hours; and

Whereas, According to the legislation, the limit on consecutive hours worked would not apply in the case of (1) a health care disaster that unexpectedly increases the need for the nurse and affects the county in which the nurse is employed or (2) a federal, state or county declaration of emergency in effect in the county in which the nurse is employed; and

Whereas, Additionally, the legislation would not prohibit nurses from using their professional judgment to volunteer for additional hours based on their capabilities; and

Whereas, A.3897/A.6251/S.680 would also allow a nurse to refuse work beyond regularly scheduled hours, and such refusal would not constitute patient abandonment or neglect if the nurse has notified his or her supervisor in a reasonable manner after learning of such overtime work assignment; and

Whereas, Furthermore, the legislation would eliminate an employer's ability to schedule mandatory overtime and would promote quality patient care by encouraging nurses to enter, remain in or return to the profession; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the State Legislature to adopt A.3897/A.6251/S.680, which would restrict the consecutive number of hours that nurses are required to work, except in emergencies.

CR  
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4/27/04