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## CLIENT ALERT

### New Law Prohibits Mandatory Overtime by New York Nurses

On August 15, 2008, Governor David A. Paterson signed into law legislation that bans an employer from mandating additional hours of work by nurses in hospitals, nursing homes and other health care facilities. The new law covers both registered nurses and licensed practical nurses. The law's effective date has been delayed until July 1, 2009, in order to afford health care employers additional time to plan for implementation of staffing alternatives and other compliance initiatives.

When it becomes effective, the law will bar health care facilities from requiring nurses to work more than their "regularly scheduled work hours." The law fails to specify how many hours per day or per week a health care employer may require before it will violate the ban. The law continues to permit nurses to voluntarily work hours in addition to the normal schedule, as well as to volunteer for overtime shifts.

The ban on mandatory additional hours does not apply in certain situations. For example, it does not apply when a natural disaster increases the need for nursing services. Similarly, the overtime ban does not apply when a state of emergency has been declared by federal, state, or local authority. Finally, the ban does not apply when a nurse is engaged in an ongoing medical or surgical procedure and/or when no alternative staffing is available to provide safe patient care in emergency situations.

Health care employers should begin planning immediately to ensure that they will be able to comply with the law next July. Compliance methods may include increasing recruitment efforts and contracting for non-traditional temporary services. As always, we remain available to discuss your questions and to assist with the evaluation of methods for future compliance.

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