

HB 3402 STAFF MEASURE SUMMARY

House Committee On Business and Labor

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Meeting Dates: 4/12, 4/14

WHAT THE MEASURE DOES:

Limits hours that a Department of Corrections can be required to work. Applies to collective bargaining that occurs on or after effective date.

- No revenue impact
- Fiscal statement issued; LFO is requesting subsequent referral be added to send to the measure to Joint Ways and Means

ISSUES DISCUSSED:

- History of nurse shortage within Department of Corrections (DOC)
- Limits on hours for nurses working in private hospitals
- Difficulty recruiting nurses at DOC because of overtime requirements
- Danger to patients when nurse is impaired from working long shifts or double shifts

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Nurses working in the Department of Corrections (DOC) institutions report having to work mandatory overtime shifts to cover for a shortage of nurses. Working conditions and the mandatory overtime are two factors cited for high turnover and challenges recruiting hires. Nursing staff who work in hospitals and acute inpatient care facilities have statutory protections from being required to work beyond the agreed upon schedule, more than 48 hours in a work week, more than 12 hours in a 24-hour period or during the 10-hour period following the 12th hour worked. However, the hospital may require an additional hour of work at the end of a shift if a nurse cannot report to work at the last moment or there is potential harm to a patient if the nurse leaves the assignment or transfers care to another nurse. (ORS 441.166)

House Bill 3402 prohibits the Department of Corrections from requiring a nurse to work beyond the agreed upon shift, more than 48 hours in a workweek, during the 10-hour period following the 12th hour worked during a 24-hour period. Additionally, the Department may not require a nurse to work more than 12 consecutive hours in a 24-hour period except they can require one additional hour beyond the 12 hours if a staff vacancy in the next shift becomes known at the shift change or if there is potential harm to an assigned patient if the nurse were to leave.