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Improve job quality and health.

Healthy Work **Strategies**

Laws prohibiting mandatory overtime for nurses

In the past 20 years, healthcare systems in the United States have transitioned primarily from 8-hour to 12-hour work shifts. In addition, to avoid chronic understaffing of registered nurses (RNs) on various specialty nursing units, together with the needs of the patient population served within the healthcare system (that is, “acuity”, or intensity of nursing care that is required by a patient), nurses have been mandated (required) by their employers to work hours beyond the now standard 12-hour shift.

Research indicates that long work hours (or use of mandatory overtime) among nurses can impact the health of:

- 1) patients, such as through medication administration errors, patient injury,¹ or increases in falls, pressure ulcers, and nosocomial (hospital-acquired) infections.¹⁰
- 2) nurses, for example, increasing fatigue, burnout, injuries, and nurse turnover (changing jobs).¹

Chief factors contributing to nurse overtime

1. *Understaffing* – employers may not be hiring a sufficient workforce of skilled and credentialed nurses, instead they are saving money by hiring less skilled nurses, and increasing the workload of existing staff.²
2. *Aging population* – the increasing number of elderly patients, including those with several long-term health conditions, leads to an increasing need for healthcare. The nursing workforce is also aging. It is estimated that half of registered nurses (RNs) are 50 years or older and that about 1 million will retire within the next 10-15 years.³
3. *Turnover* – according to a 2014 study, about 1/6 of newly-licensed RNs leave their first nursing job within the first year, and about 1/3 leave within two years.⁴
4. *Education* – enrollment into nursing schools is low compared to the need for skilled nurses. Also, applicants may be rejected due to a shortage of instructors and clinical sites for training.³

How have nurse overtime laws been enacted?

Nationwide, nurses have gone on strike, bargained contracts and lobbied for legislation to address inadequate staffing and mandatory overtime. Such laws on overtime have taken two forms: 1) limits on mandatory (required) overtime, with the exception of emergencies or cases that require specialized skills; 2) limits on consecutive work hours, so nurses are not required to work more than their typical work shift (such as 12 hours) in a 24-hour period.⁵ As of December 2019, after lobbying by nurses and their unions, 18 states in the U.S. have passed laws to limit or completely restrict mandatory overtime for nurses (see Table 1).

What is the impact of the laws?

Few studies have examined the impact of laws limiting mandatory overtime for nurses. Some studies^{5,6} showed that states with mandatory overtime laws had a reduced probability of nurses working mandatory overtime, compared to states without such laws. In a 2014 study, legislation on consecutive work hours had a greater effect on “controlling” work hours compared to mandatory overtime laws.⁵ Another study did not reveal a difference in overtime hours for nurses working in states with mandatory overtime laws and those without.⁷ However, that study only included rural states in the U.S. One study showed that mandatory overtime regulation was associated with decreased quality of service in nursing homes, as measured by an increase in deficiency citations, particularly in nursing homes with a higher prevalence of Medicaid-insured patients. This outcome was explained by decreased hours of permanent registered nurses and increased hours of contract registered nurses per resident day.⁸

Conclusions

Given the negative impact of long work hours on the health of nurses and their patients, nurses have lobbied for laws that limit mandatory overtime. Further research is needed to evaluate the impact of such laws on the health and safety of nurses and patients.

References:

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State	Mandatory Overtime	Work Conditions	Year Law Passed
Alaska	Illegal – but can opt to work overtime	Work shift cannot exceed 14 consecutive hours	2010
California	Illegal – can refuse overtime without employer retaliation	With exception of emergencies, shifts cannot exceed 12-hrs in a 24 period	2001
Connecticut	Illegal – cannot be required to work outside of normal shift	Can be required to work in case of emergencies and incomplete medical procedures	2004
Illinois	Illegal – can only work 4 hours beyond	Employers are required to provide 8-hrs of rest after 12-hrs of consecutive work; can be required to work in case of emergency	2005
Maine	Illegal – can refuse to work overtime without employer retaliation	May be required to work during emergencies; however, minimum of 10 consecutive hours off must be granted to employee	2001
Maryland	Illegal – not required to work more than normal work shift	May be required to work during emergencies or if a nurse has specialized skills necessary for patient care	2002
Massachusetts	Illegal – not required to work beyond normal work schedule	Can be required in the event of emergencies – work shift is not to exceed 12-hrs	2012
Minnesota	Illegal – not required to work beyond normal shift; employers cannot retaliate against employees	May be required to work in case of emergencies or insufficient replacement staff	2002
Missouri	Only illegal for licensed practical nurses	May be required to work during periods of understaffing	2006

New Hampshire	Illegal – can refuse to work overtime without retaliation	May be required to work during emergencies or incomplete medical procedures; employers required to provide 8-hrs off after a 12-hr shift	2008
New Jersey	Illegal in nursing homes and hospitals	Workweek can exceed 40-hrs per week if this is agreed upon by employee and employer	2002
New York	Illegal – cannot be required to work beyond normal work schedule	May be required to work overtime in case of emergencies and completion of medical procedures	2008
Oregon	Illegal – cannot force nurses to work more than 48-hrs per week or consecutive 12-hr work shifts	Can be required to work in cases of emergencies; however, shift cannot exceed an additional 4-hrs to normal shift	2001
Pennsylvania	Illegal – not required to work beyond normal work schedule	Can be required to work in cases of emergencies or catastrophic events	2008
Rhode Island	Illegal – not required to work beyond normal work shift; cannot use required overtime to address understaffing	May be required to work in cases of emergencies or catastrophic events; shifts cannot exceed 12-hrs	2008
Texas	Illegal – cannot be required to work overtime; employers not permitted to retaliate when overtime refused	--	2007
Washington	Illegal – cannot be required to work overtime; employers not permitted to retaliate when overtime refused	--	2002
West Virginia	Illegal - cannot be required to work overtime; employers not permitted to retaliate when overtime refused	Work shifts are capped at 16-hrs; employers are required to provide 8-hr resting period after 12-hrs of work	2004
Source: https://wageadvocates.com/faq/is-mandatory-overtime-legal/ ⁹			

*Adapted from Wheatley C., 2017¹