



## 2018 New York State YMCA

### Youth And Government

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Committee Assignment: Senate 2

Bill #: S-12

1 **Sponsors:** Kaitlin Burke, Summer Foy, Gabrielle Mowery, Chelsea Speranza

2 **An Act To** Have a nurse's overtime pay begin after 40 regularly scheduled hours per  
3 7 day work week under Subsection 2 of Section 167 of NYS labor laws.

4 ***The People of the State of New York, represented in the Senate and Assembly do enact as follows:***

5 **Purpose**

6 The purpose of this bill is to limit how nurses can be overworked by employers and  
7 give nurses a set standard for their working hours.

8 **Summary of Provisions**

9 **Section 1**

10 a. "Health care employer" shall mean any individual, partnership, association,  
11 corporation, limited liability company or any person or group of persons acting  
12 directly or indirectly on behalf of or in the interest of the employer, which provides  
13 health care services (i) in a facility licensed or operated pursuant to article twenty-  
14 eight of the public health law, including any facility operated by the state, a political  
15 subdivision or a public corporation as defined by section sixty-six of the general  
16 construction law , or (ii) in a facility operated by the state, a political subdivision or  
17 a public corporation.

18 b. "Nurse" shall mean a registered professional nurse or a licensed practical nurse  
19 as defined by article one hundred thirty-nine of the education law who provides  
20 direct patient care.

21 c. "Regularly scheduled work hours", including pre-scheduled on-call time and the  
22 time spent for the purpose of communicating shift reports regarding patient status  
23 necessary to ensure patient safety, shall mean those hours a nurse has agreed to  
24 work and is normally scheduled to work pursuant to the budgeted hours allocated  
25 to the nurse's position by the health care employer.

26 **Section 2**

27 2. a. Notwithstanding any other provision of law no health care employer shall  
28 require a nurse to work more than that nurse's regularly scheduled work hours up  
29 to forty hours there after receiving overtime pay during a 7 day time period, except  
30 pursuant to subdivision three of this section.

31 **Justification**

32 Nurses are constantly being overworked without being recognized. Many  
33 occupations currently have set standards for their working hours. These including  
34 less labor intensive jobs. The current bill regulates employers of not enforcing  
35 mandatory overtime hours, our bill looks to send a standard for these hours.

36 **Fiscal Implications**

37 This bill would altering the income of nurses, most likely increasing their pay due to  
38 them currently being overworked. This would not change where the funds for a  
39 nurses pay would come from but increase this pay for the increase in labor.

40 **Effective Date** This bill will go into effect one year after its passage.