



S.B. 105

126th General Assembly
(As Introduced)

Sens. Zurz, Prentiss, Fedor, Fingerhut, Grendell, Dann, Wilson

BILL SUMMARY

- Prohibits hospitals from requiring registered nurses and licensed practical nurses to work overtime as a condition of continued employment.
- Permits a nurse to work overtime voluntarily.
- Establishes a \$10,000 per violation civil penalty for violation of the overtime prohibition.

CONTENT AND OPERATION

Prohibition against requiring nurses to work overtime

(R.C. 3727.18, 3727.181, 3727.182, and 3727.183)

The bill prohibits hospitals from directly or indirectly requiring registered nurses or licensed practical nurses to work overtime as a condition of continued employment. "Overtime" is defined as an amount of time that is worked in excess of an agreed upon, predetermined, regularly scheduled full-time or part-time work week. Prohibited conduct by hospitals includes (1) terminating or proposing to terminate employment solely because a nurse chooses not to work overtime and (2) taking or proposing disciplinary or retaliatory action solely because a nurse chooses not to work overtime.

The bill provides that it does not prohibit any of the following:

- A nurse from voluntarily working overtime;
- A hospital from offering overtime to a nurse or permitting a nurse to work overtime when the nurse chooses;

- A hospital from requesting or scheduling a nurse to work overtime if the hospital is experiencing a staffing shortage resulting from an emergency or disaster publicly declared by the Governor or President of the United States.

The bill states that it does not affect labor agreements between employee organizations and employers that contain conflicting provisions regarding overtime.

Administrative procedures and enforcement

(R.C. 3727.184, 3727.185, and 3727.186)

If the Department of Health determines that a hospital may have violated the bill's overtime provision, the Department must provide the hospital notice and opportunity for a hearing under the Administrative Procedure Act (Revised Code Chapter 119.). If the hospital fails to request a hearing, or the Department determines after conducting the hearing that a violation has occurred, the Department is required to impose a civil money penalty of not more than \$10,000 per violation.

Amounts collected must be deposited into the Department of Health's existing General Operations Fund and used to enforce the bill's overtime prohibition. If a fine remains unpaid, the Attorney General, on request of the Department, must bring and prosecute to judgment a civil action to collect the fine.

The bill allows the Director, through the Attorney General or an appropriate prosecuting attorney, to apply in the court of common pleas of the county where the hospital is located for a temporary or permanent injunction to restrain a hospital's violation of the overtime prohibition. On a showing that the hospital has violated the prohibition, the court must grant an order enjoining the violation.

The bill specifies that its enforcement provisions are in addition to all other penalties and remedies available under the Revised Code.

Rulemaking

(R.C. 3727.187)

The bill requires the Department of Health to adopt rules under the Administrative Procedure Act as necessary for the bill's implementation.

HISTORY

ACTION	DATE
Introduced	03-09-05

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