



The RI Mandatory Overtime Law

RI General Laws Chapter 23-17.20



Questions and answers about the Rhode Island Mandatory Overtime law

When does the law take effect?

The law takes effect on March 4, 2008. [Sec 23-17.20-1]

Who is covered by the law?

The law covers all nurses and nurse's aides who work in public or private hospitals, except those who receive an annual salary and those who are "on-call" in a surgical department. The law does not cover physicians or other health care workers. [Sec 23-17.20-2(1)]

What are our protections under the new law?

No employee shall be required to accept a scheduled shift of more than 12 hours. [Sec 23-17.20-3(a)]

No employee shall be required to work in excess of their scheduled shift, except in an "unforeseeable emergent circumstance." [Sec 23-17.20-3(b)]

No employee shall be disciplined in any way for refusing mandatory overtime, except in an "unforeseeable emergent circumstance." [Sec 23-17.20-3(b)]

What is an "unforeseeable emergent circumstance"?

"Unforeseeable emergent circumstance" means an unpredictable occurrence relating to health care delivery that requires immediate action, and which shall include a major power outage, a public health emergency, an **irregular** increase in patient census, or an **irregular** increase in the number of employees not reporting for predetermined scheduled work shifts. [Sec 23-17.20-2(5)]

What happens if there are "unforeseeable emergent circumstances"?

Even in unforeseeable emergent circumstances:

Employers must first exhaust "reasonable efforts" to obtain staffing [Sec 23-17.20-3(d)] except in the event of any declared national, state or municipal emergency or a disaster or other catastrophic event which substantially affects or increases the need for health care services. [Sec 23-17.20-3(e)]

"Reasonable efforts" means that the employer shall: (a) seek persons who volunteer to work extra time from all available qualified staff who are working at the time of the unforeseeable emergent circumstance; (b) contact all qualified employees who have made themselves available to work extra time; and (c) seek the use of per diem staff. [Sec 23-17.20-2(7)]

Mandatory overtime shall not be used to fill vacancies resulting from chronic short staffing. [Sec 23-17.20-3(d)]

In no case shall an employee be required to work more than 12 consecutive hours. [Sec 23-17.20-3(b)]

Does the law place any limitations on voluntary overtime?

Nothing in the law limits voluntary overtime. [Sec 23-17.20-3(c)]

How does the law affect our Union contract?

The law shall not negate any employee rights or benefits existing under collective bargaining agreements. [Sec 23-17.20-5]

What happens if a hospital violates the law?

An employer who violates this law shall be subject to a fine of up to \$300 for each violation, payable to the Center for Health Professions or the State of RI General Fund. [Sec 23-17.20-4]

The RI Department of Labor & Training shall be responsible for enforcing this law. [Sec 23-17.20-4]



To report violations of the Rhode Island mandatory overtime law, or for more information about the mandatory overtime law, please contact the United Nurses & Allied Professionals at 401-831-3647.



Highlights of the Rhode Island mandatory overtime law

- ★ No nurse or nurse's aide can be required to accept a scheduled shift of more than 12 hours.
- ★ No nurse or nurse's aide can be mandated to work beyond their scheduled shift, except in "unforeseeable emergent circumstances."
- ★ Even in "unforeseeable emergent circumstances", a nurse or nurse's aide may not be required to work more than 12 consecutive hours.