

N.J. Bans Forced OT for Health Workers

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TRENTON, N.J. (AP) — After a five-year battle, New Jersey now has a state law barring hospitals and nursing homes from forcing health care employees to work overtime except in emergencies.

Nurses and union officials say the law, only the second in the nation, should improve patient safety and prevent mistakes that can be committed by people who have been on the job for up to 16 hours.

“It’s really hard when you’re doing a 10-hour (day) shift to be told when you come in you may have to stay until 7:30 the next morning,” said Noreen Malloy, a registered nurse at Bayonne Medical Center for 33 years.

With the law that went into effect Tuesday, New Jersey joins only Washington state in banning mandatory overtime at health facilities. West Virginia lawmakers passed a ban that awaits the governor’s signature. At least six other states have debated such legislation, according to Mary MacDonald, director of the AFT Healthcare union.

The New Jersey Hospital Association concedes it will be tough for hospitals to obey the law, because patient loads and demands on hospitals change daily and they don’t have enough staff.

“Our hospitals are gearing up to deal with it,” said association spokesman Ron Czajkowski. “Everybody will try their best, but it will be a test.”

Even the state Department of Health and Senior Services is unsure all hospitals will be able to comply.

“At this point, it is too early for us to know what the impact of this new law will be on hospitals,” said department spokeswoman Donna Leusner.

The law covers all hourly workers who provide patient care or clinical services, including nurses, nurses’ aides, pharmacists, therapists, technicians who do tests and similar workers, but not doctors.

It covers hospitals, nursing homes and home health care, said Jeanne Otersen, spokeswoman for Health Professionals and Allied Employees, New Jersey’s largest nurses union and a key group that pushed for the law to help health workers and patients.

“The studies document the combination of understaffing and excessive hours does contribute to patient deaths,” Otersen said.

Unions, the New Jersey State Nurses Association and consumer groups began lobbying for the law in 1999.

Health facilities pushed for provisions to give them flexibility and limit which workers it would cover. Hospitals got flexibility in what “emergency” means — when they can make workers stay on duty after they exhaust efforts to find volunteers or call in per-diem nurses.

“Now it allows a hospital dealing with major trauma — a casino bus accident or a snowstorm — to declare an emergency,” instead of requiring a state or federal declaration, Czajkowski said. “That’s acceptable to us.”

If workers made to work overtime complain to the state Department of Labor, the state can fine a facility \$1,000 for each day it breaks the rules. The whistleblowers cannot be fired or disciplined.

Nurses say the improved working conditions should draw personnel who had quit in frustration back to the bedsides, helping to reduce staff shortages.

The average vacancy rate for nurses at New Jersey hospitals has fallen from 14 percent three years ago to 9 percent, according to the hospital association. That’s due to hospitals’ increased efforts to recruit and retain nurses, a 25 percent jump in average nurse salaries in the state in three years, rising nursing school enrollment and other factors.