

ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009
COMMITTEE STATEMENT
LB267

Hearing Date: Monday March 09, 2009
Committee On: Business and Labor
Introducer: Lathrop
One Liner: Prohibit mandatory overtime for state employees providing services to individuals in residential care

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:
Aye: 6 Senators Carlson, Lathrop, McGill, Schilz, Wallman, White
Nay:
Absent:
Present Not Voting: 1 Senator Council

Proponents: Senator Steve Lathrop Bill Crawford Mike Marvin	Representing: Introducer Self NAPE
---	--

Opponents: John Higert Robert Houston	Representing: NDHHS NDCS
--	---------------------------------------

Neutral:	Representing:
-----------------	----------------------

Summary of purpose and/or changes:

Prohibits the State from requiring mandatory overtime of employees who are providing services in 24 hour care facilities unless there was an unforeseen, emergency situation such as an act of terrorism, a disease outbreak, an adverse weather condition or a natural disaster.

Section 1 declares policy that citizens under the 24 hour care of the State of Nebraska need qualified care from trained individuals. Such care is jeopardized when employees are required to work unusually long hours, and the State should provide adequate staffing without the use of mandatory overtime.

Provides that State employees providing 24 hour care shall not be disciplined in any manner for refusing to work more than 12 consecutive hours unless there is an unforeseen emergent situation. Under no circumstances shall an employee be required to work 7 days in a row without a day off. Acceptance of overtime is voluntary and the refusal to work overtime is not grounds for discrimination, dismissal, discharge, or any other form of penalty.

Defines unforeseen emergent situation as an unusual, unpredictable or unforeseen circumstances including: an act of terrorism a disease outbreak, an adverse weather condition, or a natural disaster.

An emergent situation does not include situations in which the facility has reasonable knowledge of increased patient volume or decreased staffing, including scheduled vacations and scheduled medical leave of employees.

Steve Lathrop, Chairperson