

How to Address Request from Manager for Mandatory Overtime (MOT)

Last minute shift cancellations:

- This is the only allowable instance of MOT in the staffing law.
- Notify unit manager of ability to remain on shift for no more than one extra hour.
- Verify manager has CALLED in all available staff.
- At the end of extra hour, request another nurse to take a report-off.
 - If no one is available to report off to, continuity of patient care should be maintained to avoid allegations of patient abandonment; continue questioning when relief will arrive.
 - The Oregon State Board of Nursing has a [statement about patient abandonment](#)

Open shift vacancies:

- Once schedule has posted, open shifts cannot be identified as requiring MOT.
- All staff should review schedule and discuss with the unit manager any open shifts.
 - Staff should inform unit manager of open shifts and encourage manager to fill openings in the schedule **prior** to the start of the shift.
- It is appropriate for staff to remind managers about the staffing law and make suggestions to avoid MOT requirements

On call shifts:

- On call shifts can be required as part of work duties
- Requiring call shifts after working a regular shift is allowed, but hours worked as a result of call are counted towards the your 12 hours in a 24 hour period and do not override the nurses' right to a 10 hour rest period.
- Nurses can **volunteer** to accept on-call shifts.
- Nurses cannot be required to work more than 12 hours in a 24-hour period, or 48 hours in a week.
- A 10-hour rest period is required after working 12 hours in a 24-hour period, however a nurse can waive this rest period.
- If required to remain on premise for call shift, the shift is considered hours worked.
- If call shifts lead to working excessive hours or result in inadequate rest time between shifts, the nurse should address it with the manager by stating schedule is inappropriate and that shift may be a violation of the staffing law.

- Remember, addressing staffing and patient safety is the nurse's responsibility and engaging with managers in a respectful dialogue is essential to protect patients and nursing practice.

Patients in the PACU/OR/procedural suites at change of shift with no replacement staff available:

- The law states that "if a nursing staff member believes that a hospital unit is engaging in a pattern of requiring direct care nursing staff to work overtime for nonemergency care, the nursing staff member may report that information to the hospital nurse staffing committee."
 - Example: non-emergent add-on cases resulting in overtime use.
- MOT and patient abandonment: Please see the Oregon State Board of Nursing statement on Patient Abandonment (<http://www.oregon.gov/OSBN/pdfs/InterpretiveStatements/PatientAbandonment.pdf>)
- A report should then be filed with the Oregon State Board of Nursing (OSBN) and/or the Oregon Health Authority (OHA) for evaluation of the situation.