

Nurse Staffing Advisory

Know Your Rights around Scheduling and Overtime

Oregon's Hospital Nurse Staffing Law and its rules are now clear, yet some hospital administrators are misinterpreting the law. In fact, some hospitals may be trying to use the law to change nurses' schedules. It is important to remember that **a hospital cannot unilaterally change nurses' work schedules except through bargaining.**

Attempts to change nurses' schedules based on a misinterpretation of Oregon's Nurse Staffing Law are not productive and contribute to frustration, decreased morale and a lack of trust between nursing staff and hospital administrators. Knowing your rights under the law allows you to challenge incorrect assumptions and improve your workplace.

The Nurse Staffing Law and Call Schedules

In hospital units where mandatory call is typical, some nurses choose to work schedules that include a regular shift plus a call shift within the same 24-hour period. This allows nurses to manage their work-life balance and prevents them from working one day on, one day off rotations. These schedules can also ensure nurses aren't required to take call on their day off.

Unfortunately, some hospitals are interpreting the law and its rules—particularly nurses' right to a 10-hour rest period after working 12 hours—as a threat to consistent scheduling on these units. For this reason some hospitals are considering—and in some cases threatening—to unilaterally eliminate these elective work schedules. These hospitals' interpretations of this issue are flawed in that they fail to consider the history of nurses choosing to work these schedules.

The law prohibits hospitals from forcing nurses to work hours that may be unsafe for patients and nurses. However, historic schedules that work well for nurses and their facilities can continue under the new law, provided nurses voluntarily choose those schedules.

Oregon's Hospital Nurse Staffing Law and its rules allow a nurse to work more than 12 hours in a 24-hour period—including call time—if the nurse volunteers to do so. And hospitals must bargain with nurses before changing nurses' schedules.

The Nurse Staffing Law and Overtime

Another issue that has been misinterpreted at some hospitals affects overtime. When a nurse works more than 12 hours in a 24-hour period, the staffing law states the nurse is entitled to a

10-hour rest period. **While ONA encourages nurses to take this rest period, nurses can choose to voluntarily waive their rest period and continue working.**

When a nurse chooses to take their rest period, it is the hospital's responsibility to provide appropriate staff to cover the rest period.

In each facility, unit-based and hospital-wide staffing committees should work to develop scheduling practices that comply with the law, support nurses' rights to adequate rest breaks and ensure the hospital can staff the unit appropriately.

If you have questions about Oregon's Hospital Nurse Staffing Law and how it works in your facility, please contact the direct-care nurses on your staffing committee or contact ONA by phone at 503-293-0011 or email practice@oregonrn.org.

You can also visit www.OregonNurseStaffingLaw.org for more information.