

**MOTION EXPRESSING THE SENSE OF COUNCIL OF ALLEGHENY COUNTY**

Supporting House Bill 1400 and Senate Bill 722 which create a Health Care Worker and Patient Protection Act that would prohibit mandatory overtime and excessive duty hours of health care workers; and, further, requesting that the Governor and General Assembly support and approve said legislation.

**WHEREAS**, recruitment and retention of nursing and clinical staff is at an all-time low, resulting in low staffing levels in health care facilities and requirements that nurses and other direct patient care workers work extended shifts, mandatory overtime, and excessive duty hours; and, further, such requirements result in health care providers who are fatigued which can compromise patient safety; and

**WHEREAS**, research has shown that higher staffing levels result in better patient outcomes, in which the Commonwealth has a substantial interest, assuring that the delivery of health care services to patients is adequate and safe; and limitations on mandatory overtime will ensure that public safety and quality health care is safeguarded; and

**WHEREAS**, House Bill 1400 (HB 1400) and Senate Bill 722 (SB 722) provides that a requirement in a contract, agreement, or understanding shall be void and unenforceable if it requires that an employee of a health care facility accept work in excess of an agreed to, predetermined and regularly scheduled daily work shift, not to exceed 80 hours per two-week period; and

**WHEREAS**, existing collective bargaining agreements and contracts are not impacted or negated if in effect, but agreements or contracts which mandatory overtime provisions shall be renegotiated within six months of the passage of the Act; and

**WHEREAS**, the only exceptions to such prohibition are in the event of an unforeseen emergent circumstance when overtime is required only as a last resort and is not due to chronic short staffing; and when the employer has exhausted all reasonable efforts to obtain staffing; and when such overtime is required of an employee on-call, or at a long-term care and assisted living facilities where the employee is provided with room and board as a benefit of their employment; and

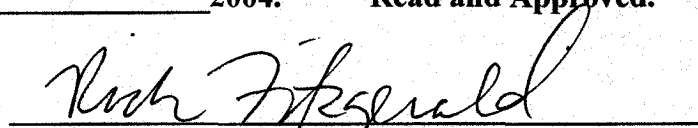
**WHEREAS**, no health care facility may require an employee to accept work in excess of the predetermined work shift although an employee may voluntarily accept such work; a refusal to accept such work shall not be grounds for discrimination, dismissal, discharge, or any other employment decision adverse to the employee; and violations will result in fines to the employer.

**NOW THEREFORE, IT IS MOVED, AND IT IS THE SENSE OF THE COUNCIL OF ALLEGHENY COUNTY**, that this Body supports House Bill 1400 and Senate Bill 722 which create a Health Care Worker and Patient Protection Act that would prohibit mandatory overtime and excessive duty hours of health care workers; and, further, requests that the Governor and General Assembly support and approve said legislation.

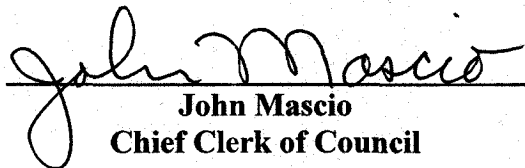
**BE IT FURTHER MOVED** that copies of this motion be transmitted to the Governor of the Commonwealth and the Members of the General Assembly from Allegheny County.

**SPONSORED BY COUNCIL MEMBER JOAN CLEARY**

In Council May 4 2004. Read and Approved.



**Rich Fitzgerald**  
President of Council

Attest:   
**John Mascio**  
Chief Clerk of Council

**Mascio, John**

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**From:** Mascio, John

**Sent:** Wednesday, May 19, 2004 10:55 AM

**To:** 'Governor Ed Rendell'; Gerald J. Lavalle; J. Barry Stout; Jack Wagner; Jane Ori; Jay Costa; Jim Ferlo; John Pippy; Robert J. Mellow; Robert Jubelirer; Sean Logan; Anthony DeLuca; Dan Frankel; David Levdansky; Don Walko; Frank Dermody; Frank Pistella; Harry Readshaw; Jake Wheatley; Jeffrey Habay; John Maher; John Perzel; Joseph F. Markosek; Joseph Preston, Jr.; Kenneth Ruffing; Marc Gergely; Mark Mustio; Michael Diven; Mike Turzai; Nick Kotik; Paul Costa; Susan Laughlin; Thomas C. Petrone; Tom Stevenson; Victor John Lescovitz

**Subject:** Bill No. 1556-04 - Motion of Allegheny County Council

At the Regular Meeting of Allegheny County Council, Council approved by a 13-1 vote (Councilman Shumaker voting no) the attached Motion sponsored by Council Member Joan Cleary expressing the Sense of Allegheny County Council supporting House Bill 1400 and Senate Bill 722 which create a Health Care Worker and Patient Protection Act that would prohibit mandatory overtime and excessive duty hours of health care workers; and, further, requesting that the Governor and General Assembly support and approve said legislation.

Your attention to this Motion is requested.

John Mascio  
Chief Clerk  
Allegheny County Council