

Labor Law Bulletin

Labor and employment law trends of interest to our clients and other friends.

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Illinois Governor Signs Law Prohibiting Mandatory Nurse Overtime

As recently reported in our Labor Law Bulletin (June 2005), the Illinois General Assembly passed a law prohibiting hospitals from requiring nurses to work mandatory overtime except in limited circumstances. On July 28, 2005, Governor Blagojevich signed the bill into law. Enacted as an amendment to the Illinois Hospital Licensing Act, Public Act 94-0349 is effective immediately.

The law's primary purpose is to prohibit hospitals from requiring nurses to work "in excess of an agreed-to, predetermined work shift" except in narrowly defined "unforeseen emergent conditions" and even then, the overtime cannot exceed four hours. In a vague but potentially expansive exception, time spent on "specialized units, such as surgical nursing services" does not count for purposes of calculating mandated overtime. Further, the law provides that any nurse who is required to work up to 12 consecutive hours be given at least 8 consecutive hours off following the completion of his/her shift.

A nurse who refuses to work overtime in violation of the Act is protected from discipline or retaliation. Further, any hospital employee may file a complaint with the Illinois Department of Public Health alleging a violation. It is not clear from the Act what remedies are available to nurses or other employees who are disciplined or discharged for exercising these rights.

For further information, please refer to the June 2005 Labor Law Bulletin, available at www.vedderprice.com, or call Bruce Alper, Tom Hancuch, or any other Vedder Price attorney with whom you have worked.

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