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Ban on Mandatory Overtime for Nurses

Overview

Staffing a hospital is both art and science. Every hospital assesses patient need, projects necessary staffing, budgets for flexibility, and directs, on a shift-by-shift basis, the allocation of staff. Hospitals routinely re-allocate staff to provide care for today's or even the current shift's patient care need.

Background

Society's need for healthcare is unrestricted by time or location, and hospitals must be able to respond to patient needs around the clock every day of the year. Hospitals routinely deal with unpredictable events such as weather, staff illness, variable patient census, unexpected patient acuity and highly variable demand. To accommodate these unexpected events, hospitals implement a number of options including float pools, part time staff, on-call staff, various shift lengths, and overtime. Limiting the tools available to hospitals impairs their ability to ensure that the correct number of staff and right skill mix are available to care for patients-whenver and wherever the need.

A ban on mandatory overtime limits the options available to healthcare facilities as they struggle to staff for unpredictable patient care demands, placing patient care at risk. If such a ban were created, many types of healthcare facilities, including hospitals, could not require employees to work overtime and/or beyond their scheduled shift. The combination of unexpectedly high census, unplanned illness of the staff and perhaps, bad weather may rarely create a situation where staff must be asked to stay beyond their shift to provide safe care to patients. Most Wisconsin hospitals report that they have never had to resort to requiring staff to remain on duty, but they still feel that their ability to do so is critical to patient care.

Patient care and safety is compromised when sufficient staffing is unavailable. Hospitals strive to have optimal staffing i.e., the correct number and type of worker, previously scheduled and available to work. In the rare occasions when unpredictable events mean optimal staffing is not available, hospitals must have options for ensuring patient treatment and safety. It is not possible to simply not offer care to patients. Envision multiple women in labor, not delivering by the 'end of the scheduled shift', or a cardiac catheterization for sudden chest pain which takes longer than planned, or an ER where



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the physician scheduled to come on duty the next shift is unable to do so. In each case, having staff to provide care is critical. Asking staff to stay might be the last remaining possibility.

Mandatory overtime is never a first or even second strategy. It is never the preferred option and is done as a last resort when patients are at risk. A WHA study of nurses done with other organizations and Wisconsin Dept of Workforce Development indicates that only 7.8% of RN's had experienced mandated overtime. At the national level, a University of Pennsylvania research project found that 6% of *all overtime* shifts were mandated. The same research found that nurses who reported working beyond their shift worked an average of 49 minutes beyond that shift.

Mandated overtime is the last of many existing ways to manage patient care needs. An adequate supply of all healthcare professionals is a better strategy to address this issue than legislation. Adequate supply will make it more possible to have appropriate staff available. Nothing however will guarantee that on any given day, the previously scheduled staff are not ill, can get to work, do not have family emergencies, or are the correct number for an unexpected, unexplained census peak.

WHA position

It is the position of the Wisconsin Hospital Association that:

- Hospitals and other facilities are responsible to care for patients and to have the staff present and on duty to provide that care.
- Responding to unpredictable healthcare needs requires flexibility.
- Mandatory overtime is not used by Wisconsin hospitals to provide routine staffing.
- Mandatory overtime is sometimes necessary to protect patients
- Health care worker fatigue and total hours worked, including voluntary overtime, are the heart of this issue. Both employers and employees have responsibility to assure that care providers are rested, have adequate time between shifts, and do not work an excessive number of total hours. (see WHA Toolkit Paper on Nurse Fatigue and Hours Worked)
- Banning the use of mandatory overtime will not address the issues of fatigue and will hamper hospitals' ability to provide care in difficult circumstances.
- WHA is opposed to a ban on mandatory overtime.

Summary

Hospitals are obligated to provide care to patients who present at their door and patients within their walls. Many strategies are used to assure that staff are available to meet the needs of those patients. While mandatory overtime is not a



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desired way to provide care to patients, it may be necessary. Both employees and employers are responsible to address fatigue related to excessive hours whether voluntary or mandatory in nature.

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