

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 267

Introduced by Lathrop, 12.

Read first time January 14, 2009

Committee: Business and Labor

A BILL

- 1 FOR AN ACT relating to state employees; to prohibit mandatory
- 2 overtime for certain employees as prescribed.
- 3 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) The Legislature finds that it is essential
2 that citizens under the twenty-four-hour care and supervision of
3 the State of Nebraska be provided with qualified care from trained
4 employees. This care is jeopardized when employees are mandated to
5 work overtime for unnecessarily long hours. The State of Nebraska
6 should provide adequate, safe staffing without the use of mandatory
7 overtime.

8 (2) An employee of the State of Nebraska providing
9 services to individuals in facilities under the twenty-four-hour
10 care and supervision of the State of Nebraska shall not be
11 disciplined nor lose any right, benefit, or privilege for refusing
12 to work more than twelve consecutive hours unless there is an
13 unforeseen emergent situation. Under no circumstances shall an
14 employee providing services to individuals in facilities under the
15 twenty-four-hour care and supervision of the State of Nebraska
16 be required to work seven straight days without a day off. The
17 acceptance by an employee of overtime is strictly voluntary, and
18 the refusal of an employee to accept such overtime work is not
19 grounds for discrimination, dismissal, discharge, or any other
20 penalty, threat of reports for discipline, or employment decision
21 adverse to the employee.

22 (3) For the purposes of this section, an unforeseen
23 emergent situation means an unusual, unpredictable, or unforeseen
24 circumstance, including an act of terrorism, a disease outbreak,
25 an adverse weather condition, or a natural disaster. An unforeseen

1 emergent situation does not include situations in which a facility
2 has reasonable knowledge of increased patient volume or decreased
3 staffing, including scheduled vacations and scheduled medical leave
4 of employees.