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Testimony of Arthur Towers
In Support of House Bill 2230
House Committee on Natural Resources
February 5, 2019

Thank you for the opportunity to testify today in support of HB 2230. Our members are attorneys who fight for underdogs. In this instance, the underdogs are front-line nursing staff who care for the needs of prisoners AND the underdogs are the prisoners themselves.

Nurses who work mandatory overtime or mandatory double shifts are physically unable to stay as alert or provide as high quality care as those with proper rest. Especially in a prison setting, workers need to be on guard at all times. Mandatory OT is physically demanding and very difficult on a family. A worker who makes plans to pick up a child from day care, or attend a family event, or their own medical appointment, must change their schedule at the drop of a hat if the supervisor mandates they stay at work. This leads to increased absenteeism since a worker is likely to call in when the family event or other personal matter is of extreme importance. They don't want to go to work for fear that they will be forced to stay at work. Absenteeism furthers the cycle of mandatory overtime.

This is unfair to workers' families, the workers themselves and the inmates who rely on them for quality care.

Further, inmate health care in corrections settings already leaves a lot to be desired. OTLA members report a rise in instances of negligent (or worse) care that has led to deaths in prisons. Even for inmates, health care is a basic right that they should not have to forfeit upon incarceration.

The last point to emphasize is that this bill should be improved. As written, these workers are not allowed to stand up for themselves to fight. Workers' 7th Amendment constitutional right to a jury trial on this issue would be taken away

since this statute appears to be only enforced by BOLI. Given the backlog and short staffing at BOLI, this is imposing another impossible enforcement responsibility on that agency. Oregonians should be allowed to take their case to a local jury of their peers, and after both sides have been heard, the jury can make a competent decision about the loss the worker has incurred as a result of mandatory overtime.

With that change we strongly urge a YES vote on HB 2230.