

Enrolled
House Bill 2230

Sponsored by Representatives SCHOUTEN, NOSSE; Representatives EVANS, KENY-GUYER,
POWER, PRUSAK, WILDE, Senator WAGNER (Presession filed.)

CHAPTER

AN ACT

Relating to mandatory overtime for nursing staff in correctional facilities; amending ORS 653.268.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 653.268 is amended to read:

653.268. (1) Labor directly employed by any public employer as defined in ORS 243.650 shall be compensated, if budgeted funds for such purpose are available, for overtime worked in excess of 40 hours in any one week, at not less than one and one-half times the regular rate of such employment. If budgeted funds are not available for the payment of overtime, such overtime shall be allowed in compensatory time off at not less than time and a half for employment in excess of 40 hours in any one week.

(2) Nothing in this section shall prevent a labor organization under the National Labor Relations Act or ORS 243.650 to 243.782 or other employees from negotiating additional overtime pay requirements with a public employer.

(3) Regardless of the availability of budgeted funds, if mandatory overtime is assigned, nursing staff directly employed in a correctional facility may not be required to work:

- (a) Beyond the agreed-upon and prearranged shift, regardless of the length of the shift;**
- (b) More than 48 hours in any workweek;**
- (c) More than 12 hours in a 24-hour period; or**

(d) During the 10-hour period immediately following the 12th hour worked during a 24-hour period.

(4) A correctional facility may require a nursing staff member to work up to four additional hours beyond the allowable hours of work as described in subsection (3) of this section if:

- (a) A staff vacancy for the next shift becomes known at the end of the current shift; or**
- (b) There is a potential for harm to an assigned patient if the nursing staff member leaves the assignment or transfers care to another nursing staff member.**

(5) Subsection (3) of this section does not apply to nursing staff members who are assigned to work mandatory overtime upon the occurrence of any of the following emergency circumstances:

- (a) Sudden and unforeseen adverse weather conditions;**
- (b) An infectious disease epidemic suffered by correctional facility staff;**

(c) Any unforeseen event, including security lockdown procedures, that would prevent scheduled replacement nursing staff members from approaching or entering the correctional facility; or

(d) Unplanned direct care nursing staff vacancies for the next shift that amount to at least 20 percent of the nursing staff scheduled for the next shift, if the correctional facility determines that the number of direct care nursing staff scheduled and available for the next shift cannot ensure the health and safety of the patients at the facility.

(6) As used in this section:

(a) "Correctional facility" means a Department of Corrections institution.

(b) "Nursing staff" has the meaning given that term in ORS 441.179.

Passed by House June 17, 2019

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate June 29, 2019

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2019

Approved:

.....M.,....., 2019

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2019

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Bev Clarno, Secretary of State