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## HOUSE BILL 163 PROHIBIT MANDATORY NURSE OVERTIME

### Proponent Testimony

Robert A. Davis, Political & Legislative Director  
House Commerce and Labor Committee

April 21, 2021

Good afternoon Chairman Stein, Vice Chair Johnson, Ranking Member Lepore-Hagan, and members of the House Commerce and Labor Committee. My name is Robert Davis and I'm the Political & Legislative Director of AFSCME Ohio Council 8. AFSCME Ohio Council 8 represents more than 35,000 public and private sector employees in Ohio and West Virginia who work in sectors such as municipal and county government, health care, childcare, as well as K-12 and higher education. Please allow this written testimony to serve as evidence that we stand ready to advocate for and support House Bill 163 and other legislation that would prohibit hospitals from requiring registered nurses, licensed practical nurses and other direct patient care/technical occupation workers from working mandatory overtime as a condition of their employment; except during a health care disaster.

Although we believe that patients should never be left without quality health care, we also believe that mandating overtime by nurses comes with serious challenges and in some cases, dangers for patients. Research done by the Institute of Medicine has shown that the risk of error increases after a health care professional works more than 12 hours at a time. And at just 12.5 hours, mistakes can increase three-fold. Now more than ever, nurses are being forced to work when they are seriously fatigued. This fatigue from being



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overworked can lead to serious medical errors mainly caused by an impaired ability to observe changes to a patient's condition.

Studies have also shown that safe-staffing ratios that eliminate the need for mandatory overtime for nurses and other direct patient care providers do not financially burden hospitals or decrease overall profitability but rather increases patient care provider productivity, reduces supplemental nursing costs and significantly improves patient care satisfaction scores and increases hospital reimbursement rates.

Under current law, hospitals are required to create an evidence-based, written nurses' servicing plan that incorporates safe staffing levels in the assignment of nurses hospital-wide and eliminates routine mandatory overtime requirements. We believe that these same hospitals should be held accountable when these staffing plans do not adequately provide the staffing levels needed to provide quality patient care.

And finally, we support provisions that prohibits the imposition of disciplinary action, including termination from employment of any registered nurse, license practical nurse or other direct patient care or technical occupation worker who refuses a mandatory overtime assignment due to stress, fatigue or other health related issue that may interfere with their ability to provide safe, effective, high quality patient care except during a health care disaster, a declaration of emergency, an ongoing medical or surgical procedure or an unforeseen event such as a sudden influx of patients.

Chairman Stein and members of the committee, AFSCME Ohio Council 8 and its membership stands ready to work with Representatives Cutrona and Sweeney, the sponsors of House Bill 163, to ensure its passage by addressing any concerns with provisions set forth in the legislation.

Thank you once again for your thoughtful consideration on this matter.