SENATE DOCKET, NO. 1980 FILED ON: 1/17/2025

SENATE . . . . . No. 1362

The Commonwealth of Massachusetts

PRESENTED BY:

Jacob R. Oliveira

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to prohibit mandatory overtime.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Jacob R. Oliveira	*Hampden, Hampshire and Worcester*	
Rodney M. Elliott	*16th Middlesex*	*1/31/2025*
Rebecca L. Rausch	*Norfolk, Worcester and Middlesex*	*2/4/2025*
Jason M. Lewis	*Fifth Middlesex*	*2/12/2025*
Julian Cyr	*Cape and Islands*	*2/14/2025*
Adam J. Scanlon	*14th Bristol*	*2/27/2025*
Dylan A. Fernandes	*Plymouth and Barnstable*	*3/9/2025*
Liz Miranda	*Second Suffolk*	*3/24/2025*
Patrick M. O'Connor	*First Plymouth and Norfolk*	*3/24/2025*
Michael D. Brady	*Second Plymouth and Norfolk*	*4/23/2025*
Pavel M. Payano	*First Essex*	*6/4/2025*

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By Mr. Oliveira, a petition (accompanied by bill, Senate, No. 1362) of Jacob R. Oliveira, Rodney M. Elliott, Rebecca L. Rausch, Jason M. Lewis and other members of the General Court for legislation to prohibit mandatory overtime. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *1209* OF 2023-2024.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act to prohibit mandatory overtime.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 111 of the Massachusetts General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out section 226, and inserting in place thereof the following section:-

Section 226. (a) For the purposes of this section the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Facility" shall mean a hospital licensed under section 51 of this chapter, the teaching hospital of the University of Massachusetts medical school, any licensed private or state-owned and state-operated general acute care hospital, an acute psychiatric hospital, an acute care specialty hospital, any acute care unit within a state operated healthcare facility, or a medium-

security state correctional facility for male inmates located in Plymouth County that is operated and maintained by a private company under contract with the Department of Corrections. For purposes of this section, facility shall not include rehabilitation facilities, skilled nursing facilities, other long-term care facilities, or any other Massachusetts correctional facilities.

"Health Care Workforce" shall mean personnel employed by or contracted to work at a facility who have an effect upon the delivery of quality care to patients, including but not limited to registered nurses, licensed practical nurses, unlicensed assistive personnel, service, maintenance, clerical, professional and technical workers, and all other health care workers. For purposes of this section, doctors, interns, residents and facility management personnel, as well as any correctional facility security personnel not providing health care services, shall not be considered the health care workforce.

“Mandatory Overtime" shall mean any hours worked by a member of the health care workforce in a facility to deliver patient care, beyond the predetermined and regularly scheduled number of hours that the hospital and a member of the health care workforce have agreed that the employee shall work, provided that in no case shall such predetermined and regularly scheduled number of hours exceed 12 hours in any 24-hour period.

(b) Notwithstanding any general or special law to the contrary, a facility shall not require a member of the health care workforce to work mandatory overtime except in the case of an emergency situation where the safety of the patient requires its use and when there is no reasonable alternative.

(c) Under subsection (b), whenever there is an emergency situation where the safety of a patient requires its use and when there is no reasonable alternative, the facility shall, before

requiring overtime, make a good faith effort to have such hours covered on a voluntary basis. Mandatory overtime shall not be used as a regular practice for providing appropriate staffing for the level of patient care required.

(d) Under subsection (c), the health policy commission established under section 2 of chapter 6D, shall further develop guidelines and procedures to determine what constitutes an emergency situation for the purposes of allowing mandatory overtime. In developing those guidelines, the commission shall consult with those employees and employers who would be affected by such a policy. The commission shall solicit comment from those same parties through a public hearing.

(e) Facilities shall report all instances of mandatory overtime and the circumstances requiring its use to the department of public health or, in the case of the aforementioned medium-security state correctional institution, by the contracting management company and to the department of corrections. Such reports shall be public documents.

(f) A member of the health care workforce shall not be allowed to exceed 16 consecutive hours worked in a 24-hour period. In the event a member of the health care workforce works 16 consecutive hours, that member of the health care workforce must be given at least 8 consecutive hours of off-duty time immediately-after the worked overtime.

(g) This section is intended as a remedial measure to protect the public health and the quality and safety of patient care and shall not be construed to diminish or waive any rights of the member of the healthcare workforce under other laws, regulations or collective bargaining agreements. The refusal of a member of the healthcare workforce to accept work in excess of the

limitations set forth in this section shall not be grounds for discrimination, dismissal, discharge or any other employment decision.