

# 2004 Mandatory Overtime

## Oklahoma Nurses Association Position on Mandatory Overtime

The Oklahoma Nurses Association (ONA) opposes the routine use of mandatory overtime to cover staff shortages in health care facilities. Mandatory overtime is not accepted by ONA as an appropriate staffing method.

- The Oklahoma Nurses Association affirms that nurses refusing mandatory overtime are not abandoning their patients
- ONA does support the use of mandatory overtime during disasters

### Definition:

Mandatory overtime is defined as a requirement by an employing agency to work additional hours beyond the duration originally scheduled prior to the beginning of the assignment. This might include call hours beyond 40 regular worked hours. Mandatory overtime does not include additional work hours that are voluntary. In health care, mandatory overtime has traditionally been used in a facility when nursing staff is not available to work the upcoming shift. This practice endangers patients and is demoralizing to nurses.

### Agency Responsibility

It is the responsibility of the employing agency to provide for adequate and competent staff to safely care for patients. Upon communication of the inability to fulfill an assignment, it becomes the responsibility of the employer to establish alternative staffing arrangements.

### Staff Nurse Responsibility

It is the responsibility of the professional nurse to provide for the safety and well being of the patients assigned during the scheduled work period. In addition, it is the responsibility of the professional nurse to proactively cooperate, collaborate and offer alternative solutions to the dilemma; and to communicate limitations in his/her ability to complete a patient care assignment. Examples of potential limitations include lack of expertise or fatigue. (See Oklahoma Nurses Association Workplace Advocacy Information, Communicating Concern for Assignment)

Refusing to work mandatory overtime does not constitute patient abandonment. However, actions such as leaving the work setting without formally notifying the agency could be construed as patient abandonment. In addition, it is important that the professional nurse consider that leaving an employment setting, even with proper notification, could result in disciplinary actions by the employer. When

deciding on the most appropriate course of action in a situation, it will be critical to weigh the consequences of all options in the situation.

### Alternatives to Mandatory Overtime

ONA supports creative solutions that proactively address staffing issues. Nurse managers and nurses should be encouraged to engage in collaborative efforts to determine safe staffing ratios. Additionally, agency and unit budgets should support these staffing decisions. These efforts are essential to alter the mindset that mandatory overtime is the only alternative.

### Unsafe Staffing Patterns

In addition, it is the position of the Oklahoma Nurses Association that staffing plans with any of the following require consideration by the nurse for rest and safety:

- Multiple consecutive shifts of
  - greater than 3 consecutive 12-hour shifts
  - greater than 5 consecutive 8-hour shifts
  - greater than two 16-hour shifts
- Shifts greater than 16 hours at any time

Further, it is the position of ONA that:

- The nurse is responsible for communicating concern about and/or inability to meet overtime schedules.
- The employing agency is responsible for monitoring schedules and negotiating reasonable staff schedules.
- "On Call" is a unique situation in which both the employer and nurse should consider provisions for adequate rest.
- "On call" should not be used as a routine method to substitute for inadequate staffing.
- Shift assignments should consider the complexity of patient need, technology and setting.

### Supporting Documentation:

- Both the aviation and trucking industries have established 12-hour mandatory rest periods between scheduled work periods. This requirement was established following study of the deterioration of worker cognitive ability, judgment, accuracy and coordination after 12 hours of continuous concentration.
- The Institute of Medicine study *To Err is Human* calls for job design with attention to factors of work hours, workloads, staff ratios and work environment
- The American Nurses Association and other specialty associations oppose mandatory overtime (i.e.: American Association of Critical Care Nurses)

## References:

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Institute of Medicine (2000). *To Err in Human: Building a Safer Health System*. Washington D.C.: National Academy Press.

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For additional references and ideas on alternatives to the use of mandatory overtime as a solution to staffing shortages, you may purchase our Mandatory Overtime Annotated Bibliography, compiled by Jo McGuffin. For more information, contact the Oklahoma Nurses Association, 405-840-3476.

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