

107TH CONGRESS
1ST SESSION

H. R. 1289

To amend the Fair Labor Standards Act of 1938 to prohibit forced overtime hours for certain licensed health care employees.

IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 2001

Mr. LANTOS (for himself, Mr. MCGOVERN, Ms. SOLIS, Mr. BONIOR, Mr. FRANK, Mr. HILLIARD, Ms. KILPATRICK, Mr. THOMPSON of Mississippi, Mr. KILDEE, Ms. MCKINNEY, Mr. KUCINICH, Ms. ROYBAL-ALLARD, Ms. LEE, Mrs. NAPOLITANO, Ms. WOOLSEY, Mr. FILNER, Ms. KAPTUR, Mr. BACA, Mr. DELAHUNT, Mr. BRADY of Pennsylvania, and Mr. BORSKI) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Fair Labor Standards Act of 1938 to prohibit forced overtime hours for certain licensed health care employees.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Registered Nurses and
5 Patients Protection Act”.

1 **SEC. 2. NURSES AND OVERTIME HOURS.**

2 Section 7(j) of the Fair Labor Standards Act of 1938
3 (29 U.S.C. 207(j)) is amended—

4 (1) by striking “No employer” and inserting
5 “(1) Subject to paragraph (2), no employer”; and

6 (2) by adding at the end the following:

7 “(2) An employer described in paragraph (1) may not
8 require an employee covered by an agreement or under-
9 standing described in paragraph (1) who is a licensed
10 health care employee (including a registered nurse but not
11 including a physician) to work more than 8 hours in any
12 workday or 80 hours in any 14-day work period, except
13 in the case of a natural disaster or while a Federal, State,
14 or local declaration of a state of emergency is in effect
15 in the locality in which such employee is employed. No
16 such employer may discriminate or take any other adverse
17 action against such an employee for declining to work
18 more than 8 hours in a workday or 80 hours in a 14-
19 day work period. Such an employee may voluntarily work
20 more than 8 hours in any workday or more than 80 hours
21 in a 14-day work period. Notwithstanding any provision
22 of title 5 or title 38, United States Code, to the contrary,
23 this paragraph applies to an employee appointed under ei-
24 ther such title who is a licensed health care employee (in-

1 cluding a registered nurse but not including a physi-
2 cian).”.

○