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SENATE FILE 2127

BY BOLKCOM

Passed Senate, Date _____ Passed House, Date _____
 Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
 Approved _____

A BILL FOR

1 An Act concerning the prohibition of mandatory overtime for
 2 certain employees of a health facility and making penalties
 3 applicable.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2127
 STATE GOVERNMENT

1 Section 1. NEW SECTION. 91F.1 DEFINITIONS.

2 As used in this chapter:

3 1. "Commissioner" means the commissioner of the division
4 of labor services of the department of workforce development.

5 2. "Employee" means an individual employed by a health
6 facility who is involved in direct patient care activities or
7 clinical services and who receives an hourly wage.

8 3. "Employer" means a person who employs employees.

9 4. "Emergency health crisis" means any unforeseen declared
10 national, state, or municipal emergency or a disaster or other
11 catastrophic event, including weather-related emergencies,
12 which substantially affects or increases the need for health
13 care services.

14 5. "Health facility" includes a hospital and any other
15 health care facility licensed by the state or authorized to
16 provide care within the state.

17 6. "Mandatory overtime" means the compelling or forcing of
18 employees to work hours beyond agreed upon assignments by
19 threat of discrimination, dismissal, licensure discipline, or
20 other sanctions. "Mandatory overtime" does not mean work
21 during an emergency health crisis.

22 7. "Schedule" means an agreed upon, predetermined,
23 regularly scheduled full-time or part-time work schedule, as
24 determined by contract or established work scheduling
25 practices, policies, or procedures.

26 Sec. 2. NEW SECTION. 91F.2 MANDATORY OVERTIME
27 PROHIBITED.

28 1. An employee shall not be required to work scheduled
29 mandatory overtime. An adverse employment action shall not be
30 taken against an employee for exercising the employee's rights
31 under this chapter.

32 2. Compliance with the requirements of this chapter shall
33 not be subject to or considered in collective bargaining.

34 Sec. 3. NEW SECTION. 91F.3 DUTIES AND AUTHORITY OF THE
35 COMMISSIONER.

1 The commissioner shall adopt rules to administer this
2 chapter.

3 Sec. 4. NEW SECTION. 91F.4 ENFORCEMENT.

4 1. An employer who violates a provision of this chapter
5 shall be subject to a civil penalty of not more than one
6 hundred dollars for each violation. If there are four or more
7 violations of this chapter by a health facility within a
8 calendar year, the fine provided for in this subsection shall
9 be tripled for a fourth or subsequent violation within that
10 calendar year.

11 2. This chapter shall be enforced in accordance with the
12 requirements of chapter 91A.

13 3. The commissioner shall report violations of this
14 chapter to the entity responsible for licensing the health
15 facility subject to the penalty.

16 EXPLANATION

17 This bill establishes a new Code chapter that prohibits
18 scheduled mandatory overtime for certain employees of a health
19 facility. The bill defines a health facility as a hospital or
20 any other health care facility that is licensed by the state.
21 An employee covered by this new Code chapter is defined as an
22 hourly employee of a health facility who is involved in
23 patient care or clinical services. The labor commissioner is
24 required to adopt rules to implement and enforce this new Code
25 chapter. The bill provides that an employer who violates this
26 Code chapter shall be subject to a civil penalty of not more
27 than \$100 for each violation. A fourth or additional
28 violation by a health facility within a calendar year is
29 subject to a \$300 penalty. The bill also requires the labor
30 commissioner to report violations of this chapter to the
31 licensing entity for the health facility subject to the
32 penalty.

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