



MANDATORY OVERTIME FACT SHEET

ACT 102

Prohibition of Excessive Overtime in Health Care Act

PASNAP helped to pass Pennsylvania's ban on mandatory overtime for healthcare workers in 2009. It took years of rallies, petitions, and visits and phone calls to elected officials in Harrisburg, but legislators ultimately recognized how mandatory overtime was bad for healthcare workers and created serious danger for patients. They passed the law — PA Act 102, the Prohibition of Mandatory Overtime for Healthcare Workers — with strong bipartisan support all over the state.

Frequently Asked Questions:

- **Is mandatory overtime for health care workers prohibited?**

Answer: Act 102 prohibits a healthcare facility from requiring employees to work more than agreed to, predetermined and regularly scheduled work shifts. Employees covered under Act 102 are individuals involved in direct patient care or clinical care services who receive an hourly wage or who are classified as nonsupervisory employees for collective bargaining purposes.

It does not prohibit overtime for on-call time, if certain unforeseeable emergent circumstances occur or if an employee must complete a patient care procedure already in progress at the end of regularly-scheduled shift and the employee's absence could have an adverse effect on the patient.

Employees may also agree to work any overtime. However, an employer may not retaliate against an employee who refuses to work overtime.

- **When does Act 102 take effect and who enforces it?**

Answer: Health care facilities must begin compliance with this law on July 1, 2009. Commencing July 1, 2009, the Pennsylvania Department of Labor and Industry's Bureau of Labor Law Compliance will enforce this act, investigate alleged violations and may seek the imposition of civil fines and corrective orders, following hearing, for any health care facility that violates this law.

- **Who must comply with Act 102?**

Answer: A healthcare facility, defined under section 2 of Act 102, is governed by the Act 102's provisions. PASNAP employees are covered under ACT 102.

(continued on reverse)

- **Who is considered an “employee” governed under Act 102?**

Answer: The Bureau will enforce this act for an employee as the word is defined in section 2 of Act 102. An employee includes all of the following:

1. An individual employed by a healthcare facility, the Commonwealth of Pennsylvania or one of its instrumentalities, or a political subdivision (such as a county, municipality, school district, local government).
2. An employee who is involved in direct patient care activities or clinical care services.
3. Who receives an hourly wage or is classified as a non supervisory employee for collective bargaining purposes.
4. An employee also includes an individual employed through a personnel agency that contracts with a healthcare facility to provide personnel.
5. An individual is involved in clinical care services if the individual is involved in diagnostic imaging, treatment or rehabilitative services provided in a healthcare facility including the following: radiology, and diagnostic imaging, such as magnetic resonance imaging and positron emission tomography; radiation therapy; and, laboratory medical services

- **Is overtime allowed for an “unforeseen emergent circumstance” and when does this occur?**

Answer: Act 102 allows mandatory overtime for an unforeseeable emergent circumstance which is any of the following:

- An unforeseeable declared national, state or municipal emergency, an act of terrorism; a natural disaster; and, a widespread disease outbreak. **Vacancies arising from chronic short staffing are not an unforeseeable emergent circumstance.**

Notify your Unit and Staff Representatives and file a complaint through the link below.

File a complaint here: <https://www.dli.pa.gov/laws-regs/laws/Documents/Act102ClaimForm.pdf>