

ASSEMBLY BILL

No. 2155

Introduced by Assembly Member Ridley-Thomas

February 20, 2014

An act to add Section 19851.2 to the Government Code, relating to state employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 2155, as introduced, Ridley-Thomas. Nurses and certified nurse assistants: overtime.

Existing law generally requires the workweek of state employees to be 40 hours, and the workday of state employees to be 8 hours. Under existing law, it is the policy of the state to avoid the necessity for overtime work whenever possible.

This bill would prohibit a nurse, defined as a registered nurse or a licensed vocational nurse, or a certified nursing assistant (CNA), employed by the State of California in a state facility, as defined, from being compelled to work in excess of the regularly scheduled workweek or work shift, except under certain circumstances, including the occurrence of a catastrophic event in a state facility. This bill would prohibit a state facility from discriminating, dismissing, discharging, or making an employment decision adverse to the nurse or CNA for his or her refusal to accept those additional hours. This bill would enact other related provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 19851.2 is added to the Government
2 Code, to read:
3 19851.2. (a) As used in this section:
4 (1) "Nurse" means all classifications of registered nurses
5 represented by State Bargaining Unit 17, or the Licensed
6 Vocational Nurse classifications represented by State Bargaining
7 Unit 20.
8 (2) "CNA" means all Certified Nursing Assistant classifications
9 represented by State Bargaining Unit 20.
10 (3) "Facility" means any mental hospital, youth or adult
11 correctional facility, developmental center, veteran's home, school,
12 or worksite in which a nurse or CNA works as an employee of the
13 state.
14 (b) A facility shall not require a nurse or CNA to work in excess
15 of a regularly scheduled workweek or work shift. A nurse or CNA
16 may volunteer or agree to work hours in addition to his or her
17 regularly scheduled workweek or work shift but the refusal by a
18 nurse or CNA to accept those additional hours shall not be grounds
19 for discrimination, dismissal, discharge, or any other penalty or
20 employment decision adverse to the nurse or CNA.
21 (c) This section shall not apply in any of the following situations:
22 (1) To a nurse or CNA participating in a surgical procedure
23 until that procedure is completed.
24 (2) If a catastrophic event occurs in a facility and both of the
25 following factors apply:
26 (A) The catastrophic event results in such a large number of
27 patients in need of immediate medical treatment that the facility
28 is incapable of providing sufficient nurses or CNAs to attend to
29 the patients without resorting to mandatory overtime.
30 (B) The catastrophic event is an unanticipated and nonrecurring
31 event.
32 (d) Nothing in this section shall be construed to affect the
33 Nursing Practice Act (Chapter 6 (commencing with Section 2700)
34 of Division 2 of the Business and Professions Code), the Vocational
35 Nursing Practice Act (Chapter 6.5 (commencing with Section
36 2840) of Division 2 of the Business and Professions Code), or a

1 registered nurse's duty under the standards of competent
2 performance.

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