



# ATTENTION RNs AND LPNs!

## YOU ARE COVERED BY LABOR LAW SECTION 167: PROHIBITION AGAINST MANDATORY OVERTIME FOR NURSES

### KNOW YOUR RIGHTS:

Your employer cannot require you to work beyond your regularly scheduled hours unless it is due to:

- A health care disaster that increases the need for health care personnel;
- A federal, state, or county declaration of emergency;
- An unforeseen emergency and it is necessary to provide safe patient care that could not be prudently planned for by the employer and does not regularly occur; or
- An ongoing medical or surgical procedure in which the nurse is actively engaged and whose continued presence is needed to ensure the health and safety of the patient

### YOUR EMPLOYER IS REQUIRED TO:

- Have an adequate Nurse Coverage Plan and utilize it to find coverage and avoid using mandatory overtime
- Make a good faith effort to have overtime covered
- Report instances of mandated overtime to the New York State Department of Labor (NYSDOL)
- Post or provide a copy of the Nurse Coverage Plan
- Display this poster in a clearly visible location accessible to employees

If you believe that your employer required you to work overtime in violation of the law, you can file a **Mandatory Overtime Complaint**. You may file a complaint online at [dol.ny.gov/mandatory-overtime-nurses](https://dol.ny.gov/mandatory-overtime-nurses) or you may call **888 4-NYSDOL** or **518-457-9000** to obtain a hard copy. Hard copies can be sent by mail or faxed to the address shown at the top of the form.

### A COMPLAINT MAY BE FILED BY:

- One nurse
- A group of nurses
- The recognized collective bargaining representative of the nurses at the facility

Your employer **cannot** retaliate against you for filing a complaint or speaking to NYSDOL.

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For more information, visit [dol.ny.gov/mandatory-overtime-nurses](https://dol.ny.gov/mandatory-overtime-nurses)

WE ARE YOUR DOL

