

A bill for an act

relating to labor; allowing the commissioner of labor and industry to issue orders of compliance relating to overtime for nurses; amending Minnesota Statutes 2006, sections 177.27, subdivision 4; 181.275, subdivisions 1, 2; repealing Minnesota Statutes 2006, section 181.275, subdivision 4.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2006, section 177.27, subdivision 4, is amended to read:

Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an employer to comply with sections 177.21 to 177.35, 181.02, 181.03, 181.031, 181.032, 181.101, 181.11, 181.12, 181.13, 181.14, 181.145, 181.15, 181.275, and 181.79, or with any rule promulgated under section 177.28. The department shall serve the order upon the employer or the employer's authorized representative in person or by certified mail at the employer's place of business. An employer who wishes to contest the order must file written notice of objection to the order with the commissioner within 15 calendar days after being served with the order. A contested case proceeding must then be held in accordance with sections 14.57 to 14.69. If, within 15 calendar days after being served with the order, the employer fails to file a written notice of objection with the commissioner, the order becomes a final order of the commissioner.

Sec. 2. Minnesota Statutes 2006, section 181.275, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For purposes of this section, the following terms have the meanings given them:

(1) "emergency" means a period when replacement staff are not able to report for duty for the next shift or increased patient need, because of unusual, unpredictable, or unforeseen circumstances such as, but not limited to, an act of terrorism, a disease

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2.1 outbreak, adverse weather conditions, or natural disasters which impact continuity of  
2.2 patient care;

2.3 (2) "normal work period" means 12 or fewer consecutive hours consistent with a  
2.4 predetermined work shift;

2.5 (3) "nurse" has the meaning given in section 148.171, subdivision 9, and includes  
2.6 nurses employed by the state of Minnesota; and

2.7 (4) "taking action against" means discharging; disciplining; threatening; reporting  
2.8 to the Board of Nursing; discriminating against; or penalizing regarding compensation,  
2.9 terms, conditions, location, or privileges of employment.

2.10 Sec. 3. Minnesota Statutes 2006, section 181.275, subdivision 2, is amended to read:

2.11 Subd. 2. **Prohibited actions.** Except as provided in subdivision 3, a hospital or  
2.12 other entity licensed under sections 144.50 to 144.58, and its agent, or other health care  
2.13 facility licensed by the commissioner of health, and the facility's agent, is prohibited  
2.14 from taking action against a nurse solely on the grounds that the nurse fails to accept an  
2.15 assignment of additional consecutive hours at the facility in excess of a normal work  
2.16 period, if the nurse declines to work additional hours because doing so may, in the nurse's  
2.17 judgment, jeopardize patient safety. This subdivision does not apply to a nursing facility,  
2.18 an intermediate care facility for persons with developmental disabilities, a licensed  
2.19 boarding care facility, or a housing with services establishment. This subdivision applies  
2.20 to a nurse employed by the state of Minnesota regardless of the type of facility in which  
2.21 the nurse is employed and regardless of the facility's license, if the nurse is involved in  
2.22 resident or patient care.

2.23 Sec. 4. **REPEALER.**

2.24 Minnesota Statutes 2006, section 181.275, subdivision 4, is repealed.