

107<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1902

To amend the Fair Labor Standards Act of 1938 to prohibit forced overtime hours for certain health care employees who provide care to patients.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2001

Mr. LANGEVIN (for himself, Mr. KENNEDY of Rhode Island, and Mr. FRANK) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend the Fair Labor Standards Act of 1938 to prohibit forced overtime hours for certain health care employees who provide care to patients.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Patient Care Employ-  
5 ees Protection Act”.

6 **SEC. 2. NURSES AND OVERTIME HOURS.**

7 Section 7(j) of the Fair Labor Standards Act of 1938  
8 (29 U.S.C. 207(j)) is amended—

1 (1) by striking “No employer” and inserting

2 “(1) Subject to paragraph (2), no employer”; and

3 (2) by adding at the end the following:

4 “(2) An employer described in paragraph (1) may not  
5 require an employee covered by an agreement or under-  
6 standing described in such paragraph (other than a physi-  
7 cian) who provides health care to patients to work more  
8 than 8 hours in any workday or 80 hours in any 14-day  
9 work period, except in the case of a natural disaster or  
10 while a Federal, State, or local declaration of a state of  
11 emergency is in effect in the locality in which such em-  
12 ployee is employed. No such employer may discriminate  
13 or take any other adverse action against such an employee  
14 for declining to work more than 8 hours in a workday or  
15 80 hours in a 14-day work period. Such an employee may  
16 voluntarily work more than 8 hours in any workday or  
17 more than 80 hours in a 14-day work period, at the re-  
18 quest of the employee’s employer. Notwithstanding any  
19 provision of title 5 or title 38, United States Code, to the  
20 contrary, this paragraph applies to an employee appointed  
21 under either such title (other than a physician) who pro-  
22 vides health care to patients.”.

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