



LEGISLATIVE Update

Assembly passes ban on MOT, bill heads to Senate

CAPT-sponsored AB 529, introduced by Assembly Members Ramos and Cervantes, was passed 67-7 by the Assembly on May 24. Fifty-nine Democrats and eight Republicans voted in favor of the bill. The seven ‘no’ votes were cast by Republicans. The bill now heads to the Senate where it will undergo further analysis. If passed by the Senate, the bill could reach the governor’s desk no later than September 13, the last day for each house to pass bills.

AB 529 would prohibit the state from mandating Psychiatric Technicians (PT) and Psychiatric Technician Assistants (PTAs) from working overtime. Currently, nurses, LVNs, psychiatric technicians (PT) and certified nursing assistants (CNAs) in private sector employment cannot be mandated to work overtime; unfortunately, the state government is exempt from this 2001 regulation.

CAPT argued that mandatory overtime practices could lead to increased stress on the job, less patient comfort, and mental and physical fatigue that can contribute to errors and “near-misses” with medications and case-related procedures. The practice also ignores the responsibilities nursing professionals have at home with children, other family members, or with other obligations. Furthermore, being forced into excessive overtime can cause exhausted nursing professionals to practice unsafe patient care, jeopardizing their licensure status.

State President Eric Soto and CAPT Lobbyist Coby Pizzotti testified supporting the bill’s merits April 3 before the Assembly Public Employment and Retirement Committee where the bill was approved 5-0.

“Mandatory Overtime is not safe,” Soto testified before the committee after sharing his personal experiences. “Staff is expected to be alert at all

times. When the slightest lapse in observation can lead to a tragic consequence, mandatory overtime means unsafe working conditions.”

Pizzotti demonstrated the need for the State Legislature to ban the practice of MOT. He explained to the committee that the departments ignore the MOT limits sets by our contract. Without any real enforcement, the practice continues, risking the lives and safety of patients and staff alike.

“Our members have been forced to work involuntary overtime up to eight times a month, back-to-back days, three or more times a week, and have been called in on their day off,” said Pizzotti to the committee. “We have filed several grievances and won; however, the state simply apologizes for the past action and continues the practice.”

CAPT introduced a bill banning MOT in 2015. The bill passed the Legislature, but CAPT held it at the Senate Desk after the governor vetoed a similar proposal for RNs, LVNs, and CNAs. Fortunately, Governor Newsom, in his January Budget, has funded 335 new permanent full-time and 254 permanent-intermittent PT positions for the Department of State Hospitals, the department with the largest usage of mandatory overtime. This budget augmentation will virtually eliminate all of the mandatory overtime in that department. Additionally, the 2016 Little Hoover Commission issued a report with recommendations to cut overtime usage to half of the 2014 levels by 2017-2018 FY, and eliminate the practice of mandatory overtime altogether.

