

# STATE OF NEW YORK

4465

2025-2026 Regular Sessions

## IN SENATE

February 5, 2025

Introduced by Sens. MAYER, FERNANDEZ, PALUMBO, SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to restricting consecutive hours of work for health care workers

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The section heading and subdivisions 1, 2, 3 and 4 of  
2 section 167 of the labor law, as amended by chapter 815 of the laws of  
3 2022, paragraph (c) of subdivision 3 as amended by chapter 27 of the  
4 laws of 2023, are amended to read as follows:

5 Restrictions on consecutive hours of work for nurses and health care  
6 workers. 1. When used in this section:

7 a. "Health care employer" shall mean any individual, partnership,  
8 association, corporation, limited liability company or any person or  
9 group of persons acting directly or indirectly on behalf of or in the  
10 interest of the employer, which provides health care services (i) in a  
11 facility licensed or operated pursuant to article twenty-eight of the  
12 public health law, including any facility operated by the state, a poli-  
13 tical subdivision or a public corporation as defined by section sixty-  
14 six of the general construction law, or (ii) in a facility operated by  
15 the state, a political subdivision or a public corporation as defined by  
16 section sixty-six of the general construction law, operated or licensed  
17 pursuant to the mental hygiene law, the education law, the correction  
18 law, or section five hundred four of the executive law.

19 b. "Nurse" shall mean a registered professional nurse or a licensed  
20 practical nurse as defined by article one hundred thirty-nine of the  
21 education law who provides direct patient care.

22 c. "Regularly scheduled work hours", including pre-scheduled on-call  
23 time and the time spent for the purpose of communicating shift reports  
24 regarding patient status necessary to ensure patient safety, shall mean

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 those hours a nurse or health care worker has agreed to work and is  
2 normally scheduled to work pursuant to the budgeted hours allocated to  
3 the nurse's or health care worker's position by the health care employ-  
4 er; and if no such allocation system exists, some other measure general-  
5 ly used by the health care employer to determine when an employee is  
6 minimally supposed to work, consistent with the collective bargaining  
7 agreement, if any. Nothing in this section shall be construed to permit  
8 an employer to use on-call time as a substitute for mandatory overtime.

9 d. "Health care worker" shall mean personnel employed by or contracted  
10 to work for a health care employer who have an effect upon the delivery  
11 of quality care to patients, including but not limited to unlicensed  
12 assistive personnel, service, maintenance, clerical, professional and  
13 technical workers, and all other health care workers. For purposes of  
14 this section, doctors, interns, residents and facility management  
15 personnel, as well as any correctional facility security personnel not  
16 providing health care services, shall not be considered a health care  
17 worker.

18 2. a. Notwithstanding any other provision of law no health care  
19 employer shall require a nurse or health care worker to work more than  
20 that nurse's or health care worker's regularly scheduled work hours,  
21 except pursuant to subdivision three of this section.

22 b. Nothing in this section shall prohibit a nurse or health care work-  
23 er from voluntarily working overtime.

24 3. The limitations provided for in this section shall not apply in the  
25 case of:

26 a. a health care disaster, such as a natural or other type of disaster  
27 that increases the need for health care personnel, unexpectedly affect-  
28 ing the county in which the nurse or health care worker is employed or  
29 in a contiguous county; or

30 b. a federal, state or county declaration of emergency in effect in  
31 the county in which the nurse or health care worker is employed or in a  
32 contiguous county; or

33 c. where a health care employer determines there is an emergency,  
34 necessary to provide safe patient care. For the purposes of this para-  
35 graph, "emergency", including an unanticipated staffing emergency, is  
36 defined as an unforeseen event that could not be prudently planned for  
37 by an employer and does not regularly occur; or

38 d. an ongoing medical or surgical procedure in which the nurse or  
39 health care worker is actively engaged and whose continued presence  
40 through the completion of the procedure is needed to ensure the health  
41 and safety of the patient.

42 4. The provisions of this section are intended as a remedial measure  
43 to protect the public health and the quality of patient care, and shall  
44 not be construed to diminish or waive any rights of any nurse or health  
45 care worker pursuant to any other law, regulation, or collective  
46 bargaining agreement.

47 § 2. This act shall take effect on the sixtieth day after it shall  
48 have become a law.