

M E M O R A N D U M

TO : Clients and Friends

FROM : Labor and Employment Law Department of McConnell Valdés

RE : UPDATE ON AMENDMENTS TO SENATE BILL 2635.

DATE : June 4, 2004

Senate Bill 2635 seeks to establish minimum working conditions and compensation standards for nursing personnel in the public and private sector. The primary goals of the Bill are to: establish a basic minimum wage for covered nurses according to their "experience" and education; establish a 37.5 hour work week; require minimum standards in patient/nurse staffing ratios; and create a pilot program to provide a nurse/student ratio of 1:750 in a scholastic setting.

This Bill was approved by the Senate on May 27, 2004, with the following material amendments:

Creation of regulations - If a collective bargaining agreement or other contract does not exist between employers and employees on the subject matter of the Bill, employers would have to prepare a manual or set of regulations which contain the rights and duties of covered nurses. At a minimum, said regulations or manuals would have to provide for: (1) nurses' right to organize and assemble within a designated area in the workplace and during working hours; (2) procedures for the mediation and arbitration of complaints and grievances; and (3) nurses' representation in the creation of the body that attends to complaints and grievances, and participation in the selection of mediators or arbitrators in all employer-employee issues that occur between nurses and their employer.

In addition, these manuals or regulations, and any amendments thereof, must be approved by the Secretary of Labor within 120 days of the approval of the law. The Secretary shall enact procedural regulations for the revision of arbitration and mediation decisions, and for the resolution of certain complaints.

Exempt Employers - Taking into consideration the size and economic situation of the employers, the Secretary of Labor may waive compliance with the minimum wage set forth in the law, provided, that the Secretary establishes a plan that would assure compliance with the law within three (3) years through gradual wage increases.

Exempt Employees - The law would now apply to nurses which, due to their level of education and duties are now considered exempt "professionals" in connection with working hours and days, minimum wage, vacations and sick leave.

The implementation and enforcement of this law would be under the supervision of the Department of Labor and Human Resources as well as the Department of Health.

If you have any questions or comments, wish additional information or assistance regarding this matter, please feel free to contact us.

McV LABOR AND EMPLOYMENT LAW DEPARTMENT

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