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THE HOSPITAL & HEALTHSYSTEM ASSOCIATION OF PENNSYLVANIA

August 9, 2012

Ms. Karen Galli
Deputy Chief Counsel
Pennsylvania Department of Labor & Industry
651 Boas Street, 10th Floor
Harrisburg, PA 17120

RE: Prohibition of Excessive Overtime Proposed Regulations

Dear Ms. Galli:

The Hospital & Healthsystem Association of Pennsylvania (HAP), on behalf of its members, more than 225 acute and specialty hospitals and health systems, appreciates the opportunity to comment about the Department of Labor & Industry's (L&I) proposed regulations pursuant to Act 102 of 2008 which address excessive overtime. Pennsylvania's hospitals and health systems are dedicated to the well-being of their health care workforce, and support efforts that promote a stable and effective workplace.

HAP supports L&I's regulatory approach addressing complaint investigations, penalties, and the procedural hearing process. HAP believes that the regulations are an appropriate approach, consistent with the provisions of Act 102, and that the proposed regulations outline a fair and understandable process. These regulations will clarify how complaints will be addressed, and provide for consistency in the application of the law across the Commonwealth under the auspices of L&I's investigative staff. HAP supports the provision in the proposed regulations that allows for facilities to internally appeal any preliminary decision within L&I before appealing the decision to Commonwealth Court, as it will reduce costs and administrative burden, as well as allow for more timely resolution of issues to address both employee and health care facility issues.

During HAP's previous conversations with L&I, it was shared that L&I had planned to evaluate the investigated and validated complaints to determine if there have been any trends since enactment of Act 102. If trends have been identified, we would encourage L&I to consider education for health care facilities, and/or the need for providing additional state agency guidance. HAP believes that such an approach makes good sense, and encourages L&I to develop the necessary education and guidance for health care facilities, which is an appropriate role for L&I to assist employers in effective workforce practices.

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Ms. Karen Galli
Pennsylvania Department of Labor & Industry
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HAP appreciates the opportunity to provide comments about the proposed regulations addressing prohibition of excessive overtime. If you have any questions about HAP's comments, please feel free to contact Mary Marshall, director, workforce and professional services, at (717) 561-5312; or me, at (717) 561-5344.

Sincerely,

A handwritten signature in black ink that reads "Paula A. Bussard". The signature is written in a cursive, flowing style.

PAULA A. BUSSARD
Senior Vice President,
Policy & Regulatory Services