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Karen Galli
Deputy Chief Counsel
Department of Labor and Industry
651 Boas Street, 10th Floor
Harrisburg, PA 17120

PSEA PENNSYLVANIA
STATE EDUCATION
ASSOCIATION
The Power of a Great Education

Legal Division
400 North Third Street
P.O. Box 2225
Harrisburg, PA 17105-2225
(717) 255-7000 Ext. 7025, 7046 or 7029
(800) 944-PSEA (7732)
Fax: (717) 255-7132
www.psea.org
Michael J. Crossy, President
W. Gerard Oleksiak, Vice President
Dolores M. McCracken, Treasurer
John F. Springer, Executive Director

Re: Proposed Rulemaking, Department of Labor and Industry (ID No: 12-91)
Prohibition of Excessive Overtime in Health Care Act Regulations (IRRC No. 2957)
Comments of Pennsylvania State Education Association on behalf of HealthCare-PSEA

Dear Ms. Galli:

The following comment regarding the regulations proposed by the PA Department of Labor and Industry implementing the Prohibition of Excessive Overtime in Health Care Act, is submitted by the Pennsylvania State Education Association (PSEA) on behalf of HealthCare-PSEA and its members. HealthCare-PSEA is an affiliate of PSEA, and on a national level of AFT Healthcare (AFL-CIO). HealthCare-PSEA represents employees covered by the Act in several health care facilities across the Commonwealth.

The proposed regulations do not allow an employee representative to act throughout any stage of the complaint process on behalf of health care employees who wish to report violations of the Act – as suggested in our prior written comment submitted to the Department of Labor and Industry – and do not expressly provide (but should) that the health care worker or designated representative who files a complaint is a party to the proceeding, receives any notice of a determination or request for a reduction in penalty, has any right to participate where a health care facility or employer contests an adverse administrative decision, or has any right to contest a determination dismissing a complaint. Providing for participation by a health care worker and/or representative would further the purpose of the Act, help employees enforce their rights under the Act, and strengthen the enforcement process.

PSEA supports the comprehensive comments, concerns and suggestions submitted on behalf of SEIU Healthcare Pennsylvania, and PASNAP. We join in respectfully urging the Department, Legislative Standing Committees, and the IRRC to carefully consider the comments, concerns and suggestions, and revision of the proposed regulations to ensure that health care workers have meaningful participation in the complaint process.

We appreciate this opportunity to submit comments on behalf of HealthCare-PSEA members.

Sincerely,


Richard E. Burridge
Legal Field Manager

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The PSEA Mission

To advocate for quality public education and our members through collective action.
Affiliated with the National Education Association

