

Overtime: Fair Labor Standards Act Applies To Agency Nurses.

The US District Court for the Southern District of New York has taken the position that the US Fair Labor Standards Act gives agency nurses legal rights *vis a vis* the hospitals or other client facilities where they work as well as the nursing staffing agencies which are their nominal employers.

Client facilities exercise functional control over agency nurses in their day to day clinical performance. That creates a dual-employment relationship in which the client facilities are also liable for ensuring that time-and-one-half overtime premiums are paid to agency nurses. Barfield v. New York City Health and Hospitals Corp., __ F. Supp. 2d __, 2006 WL 1462269 (S.D.N.Y., May 30, 2006).