
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: S-4215.1/02

ATTY/TYPIST: RJS:seg

BRIEF DESCRIPTION:

2 **SB 6675** - S AMD
3 By Senator

4

5 Strike everything after the enacting clause and insert the
6 following:

7 NEW SECTION. **Sec. 1.** Washington state is experiencing a critical
8 shortage of qualified, competent health care workers. To safeguard the
9 health, efficiency, and general well-being of health care workers and
10 promote patient safety and quality of care, the legislature finds, as
11 a matter of public policy, that required overtime work should be
12 limited with reasonable safeguards to ensure that the public will
13 continue to receive safe, quality care.

14 NEW SECTION. **Sec. 2.** The definitions in this section apply
15 throughout this section and sections 3 and 4 of this act unless the
16 context clearly requires otherwise.

17 (1) "Employee" means a licensed practical nurse or a registered
18 nurse licensed under chapter 18.79 RCW employed by a health care
19 facility who is involved in direct patient care activities or clinical
20 services and receives an hourly wage.

21 (2) "Employer" means an individual, partnership, association,
22 corporation, state institution, political subdivision of the state, or
23 person or group of persons, acting directly or indirectly in the
24 interest of a health care facility.

25 (3) "Health care facility" means the following facilities, or any
26 part of the facility, that operates on a twenty-four hours per day,
27 seven days per week basis: Hospices licensed under chapter 70.127 RCW,
28 hospitals licensed under chapter 70.41 RCW, rural health care
29 facilities as defined in RCW 70.175.020, and psychiatric hospitals
30 licensed under chapter 71.12 RCW, and includes such facilities if owned
31 and operated by a political subdivision or instrumentality of the
32 state. If a nursing home regulated under chapter 18.51 RCW or a home
33 health agency regulated under chapter 70.127 RCW is operating under the
34 license of a health care facility, the nursing home or home health

1 agency is considered part of the health care facility for the purposes
2 of this subsection.

3 (4) "Overtime" means the hours worked in excess of an agreed upon,
4 predetermined, regularly scheduled shift within a twenty-four hour
5 period not to exceed twelve hours in a twenty-four hour period.

6 (5) "On-call time" means time spent by an employee who is not
7 working on the premises of the place of employment but who is
8 compensated for availability or who, as a condition of employment, has
9 agreed to be available to return to the premises of the place of
10 employment on short notice if the need arises.

11 (6) "Reasonable efforts" means that the employer, to the extent
12 reasonably possible, does all of the following but is unable to obtain
13 staffing coverage:

14 (a) Seeks individuals to volunteer to work extra time from all
15 available qualified staff who are working;

16 (b) Contacts qualified employees who have made themselves available
17 to work extra time;

18 (c) Seeks the use of per diem staff; and

19 (d) Seeks personnel from a contracted temporary agency when such
20 staffing is permitted by law or an applicable collective bargaining
21 agreement, and the employer regularly uses a contracted temporary
22 agency.

23 (7) "Unforeseeable emergent circumstance" means (a) any unforeseen
24 declared national, state, or municipal emergency; (b) when a health
25 care facility disaster plan is activated; or (c) any unforeseen
26 disaster or other catastrophic event which substantially affects or
27 increases the need for health care services.

28 NEW SECTION. **Sec. 3.** (1) No employee of a health care facility
29 may be required to work overtime. Compelling or attempting to compel
30 an employee to work overtime is contrary to public policy and a
31 violation of this section. The acceptance by any employee of overtime
32 work is strictly voluntary, and the refusal of an employee to accept
33 such overtime work is not grounds for discrimination, dismissal,
34 discharge, or any other penalty, threat of reports for discipline, or
35 employment decision adverse to the employee.

36 (2) This section does not apply to overtime work that occurs:

37 (a) Because of any unforeseeable emergent circumstance;

38 (b) Because of prescheduled on-call time;

1 (c) When the employer shows that the employer has used reasonable
2 efforts to obtain staffing. An employer has not used reasonable
3 efforts if overtime work is used to fill vacancies resulting from
4 chronic staff shortages; or

5 (d) When an employee is required to work overtime to complete a
6 nursing procedure or to continue assisting with a medical procedure
7 being completed.

8 NEW SECTION. **Sec. 4.** The department of labor and industries shall
9 investigate complaints of violations of section 3 of this act. A
10 violation of section 3 of this act is a class 1 civil infraction in
11 accordance with chapter 7.80 RCW, except that the maximum penalty is
12 one thousand dollars for each infraction up to three infractions. If
13 there are four or more violations of section 3 of this act for a health
14 care facility, the employer is subject to a fine of two thousand five
15 hundred dollars for the fourth violation, and five thousand dollars for
16 each subsequent violation. The department of labor and industries is
17 authorized to issue and enforce civil infractions according to chapter
18 7.80 RCW.

19 NEW SECTION. **Sec. 5.** Sections 2 through 4 of this act are each
20 added to chapter 49.28 RCW."

21 **SB 6675** - S AMD
22 By Senator

23

24 On page 1, line 2 of the title, after "work;" strike the remainder
25 of the title and insert "adding new sections to chapter 49.28 RCW;
26 creating a new section; and prescribing penalties."

--- END ---