

SENATE BILL REPORT

ESB 6675

As Passed Senate, February 18, 2002

Title: An act relating to prohibiting health care facilities from requiring employees to perform overtime work.

Brief Description: Prohibiting health care facilities from requiring employees to perform overtime work.

Sponsors: Senators Prentice, Fairley, Rasmussen, Fraser, Keiser, Costa, Franklin and Spanel.

Brief History:

Committee Activity: Labor, Commerce & Financial Institutions: 1/28/02, 1/31/02 [DPA, DNP].

Passed Senate: 2/18/02, 40-9.

SENATE COMMITTEE ON LABOR, COMMERCE & FINANCIAL INSTITUTIONS

Majority Report: Do pass as amended.

Signed by Senators Prentice, Chair; Keiser, Vice Chair; Benton, Fairley, Franklin, Gardner, Rasmussen and Regala.

Minority Report: Do not pass.

Signed by Senators Hochstatter and Honeyford.

Staff: Jack Brummel (786-7428)

Background: Health care professionals are in short supply in the state. There is a concern that when such employees are required to work overtime, safety and quality of care will suffer.

Summary of Bill: Registered nurses and licensed practical nurses that are paid on an hourly basis may not be required to work overtime but may accept overtime work voluntarily. This prohibition does not apply to emergencies, pre-scheduled on-call time, or when the employer has used reasonable efforts to obtain staffing.

The Department of Labor and Industries must investigate violations and issue citations. Violations are subject to \$1,000 fines. During any calendar year, a fourth violation results in a \$2,500 fine and subsequent violation results in a fine of \$5,000 each.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Mandatory overtime can endanger safe quality care “ long hours, such as 16 hour shifts, can result in serious medical mistakes. Mandatory overtime is one of the forces driving the shortage of nurses. 68 percent of nurses that plan to leave nursing in hospitals say they would be more likely to stay if mandatory overtime is banned.

Testimony Against: If adequate staffing levels aren't maintained, then safety and federal funds are threatened. The problems associated with nursing shortages should not be dealt with in isolation.

Testified: PRO: Judy Huntington, Dawn Morrell, Kim Armstrong, WSNA; Diane Sone, Ann Marichionstone, Scot Canaday, SEIU; Diane Zelin, UFCW. CON: Lisa Thatcher, Troy Hudson, WA. St. Hospital Assoc.; Ken Bertrand, Group Health Cooperative; Tim Brown, DSHS.