

SENATE BILL REPORT

E2SHB 2501

As of February 20, 2012

Title: An act relating to mandatory overtime for employees of health care facilities.

Brief Description: Placing restrictions on mandatory overtime for employees of health care facilities.

Sponsors: House Committee on General Government Appropriations & Oversight (originally sponsored by Representatives Green, Cody, Jinkins, Ryu, Lytton, Sells, Reykdal, Kirby, Van De Wege, Moeller, Darneille, Miloscia, Santos and Roberts).

Brief History: Passed House: 2/14/12, 57-41.

Committee Activity: Labor, Commerce & Consumer Protection: 2/21/12.

SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

Staff: Ingrid Mungia (786-7423)

Background: Both federal and state minimum wage laws establish requirements related to overtime work. These laws require that covered employees receive overtime pay for hours worked over 40 hours per week. With some exceptions, these wage laws do not prohibit an employer from requiring employees to work overtime.

One exception prohibits covered health care facilities from requiring overtime for registered nurses and licensed practical nurses who are involved in direct patient care and are paid an hourly wage. Health care facilities covered by this prohibition on mandatory overtime are hospitals, hospices, rural health care facilities, psychiatric hospitals, some nursing homes, and facilities owned or operated by prisons and jails that provide health care services to inmates in the custody of the Department of Corrections. In the context of this prohibition, overtime means work in excess of an agreed upon, regularly scheduled shift of not more than 12 hours in a 24-hour period or 80 hours in a 14-day period.

The prohibition on mandatory overtime does not apply to overtime work that occurs:

- because of an unforeseeable emergency or disaster;
- because of prescheduled on-call time;
- when the employer documents reasonable efforts to obtain staffing; or

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- when an employee must work overtime to complete a patient care procedure already in progress where the employee's absence would have an adverse effect on the patient.

The state may designate hospitals as critical access hospitals in accordance with criteria provided in federal law. Critical access hospitals are located in rural areas and have no more than 25 acute beds. Washington currently has 38 hospitals certified as critical access hospitals.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Proposed Amendment): The prohibition on mandatory overtime in health care facilities applies to surgical technologists, diagnostic radiologic technologists, cardiovascular invasive specialists, respiratory technicians, and certified nursing assistants. The prohibition applies to employees who are covered by a collective bargaining agreement in addition to those who receive an hourly wage.

For health care facilities owned and operated by prisons and jails, the requirement that the facility provide care to inmates in state custody is deleted.

The exceptions to the prohibition on mandatory overtime are modified. The exception for prescheduled on-call time applies only if the prescheduled on-call time is necessary for immediate and unanticipated patient care emergencies.

The employer may not use prescheduled on-call time to fill chronic or foreseeable staff shortages. The exemption does not apply to critical access hospitals.

Employers also may not schedule non-emergency procedures that would require overtime.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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