2SHB 3024 - H AMD **1200**
    By Representative Priest

1   Strike everything after the enacting clause and insert the
2 following:

3

4   "NEW SECTION. **Sec. 1.** A new section is added to chapter 49.12 RCW
5 to read as follows:

6   (1)(a) A hospital licensed under chapter 70.41 RCW shall provide
7 employees who are licensed practical nurses and registered nurses
8 licensed under chapter 18.79 RCW with uninterrupted thirty-minute meal
9 breaks and rest breaks of at least ten minutes or as otherwise agreed
10 to be provided by the hospital, whichever is longer, unless there is:

11   (i) An unforeseeable emergent circumstance as defined in RCW
12 49.28.130;

13   (ii) A clinical circumstance that could lead to patient harm
14 without the specific skill or expertise of the employee on break; or

15   (iii) In the professional judgment of the employee, a reason to
16 interrupt the break.

17   (iv) Rest breaks may be taken at any point during each four-hour
18 work period during which the licensed practical nurse and registered
19 nurse is required to receive the rest break as determined by the
20 hospital.

21   (2) A hospital licensed under chapter 70.41 RCW shall provide
22 employees who are surgical technologists registered under chapter
23 18.215 RCW, radiologic technologists certified under chapter 18.84
24 RCW, respiratory care practitioners licensed under chapter 18.89 RCW,
25 cardiovascular technologists, and diagnostic medical sonographers with
26 uninterrupted thirty-minute meal breaks and rest breaks of at least

27

1 ten minutes or as otherwise agreed to be provided by the hospital,
2 whichever is longer.

3   (3) Subsections (1) and (2) of this section does not apply when:

4   (a) The terms of any collective bargaining agreement covering
5 employees address meal and rest breaks, including the need for
6 flexibility; or

7   (b) An alternative approach to meal and rest breaks is developed
8 by the hospital's nurse staffing committee under RCW 70.41.210, if
9 employees are not covered by a collective bargaining agreement.

10

11   NEW SECTION. **Sec. 2.** (1) The department shall report and make
12 recommendations to the appropriate committees of the legislature by
13 December 15, 2010 on the enforcement of meal and rest break
14 requirements. The report must contain:

15   (a) A review of the number and frequency of complaints filed with
16 the department on missed meal and rest breaks by hospital employees
17 since January of 2007;

18   (b) The investigations and enforcement actions taken in response
19 to each complaint;

20   (c) Whether and how each complaint was resolved; and

21   (d) A comparison of the number and types of complaints made before
22 and after the effective date of this act.

23   (2) The department shall also make recommendations on how to
24 improve compliance with and enforcement of the meal and rest break
25 requirements for hospital employees.

26   (3) This section expires June 30, 2011."

27

28   Correct the title.

29

        EFFECT:(1) Strikes the provisions of the bill.
            (2) Adds an exception to the meal and rest break
        requirements for nurses in circumstances where, in the
        professional judgment of the nurse, there is a reason to interrupt
        the break.

34

(3) Establishes that the hospital determines at which point during the four-hour work period that a nurse may take a rest break.

(4) Provides uninterrupted meal and rest breaks with no exceptions for employees who are surgical technologists, radiologic technologists, respiratory care practitioners, cardiovascular technologists, or diagnostic medical sonographers.

(5) Establishes that the meal and rest break requirements under the bill do not apply when: the terms of any collective bargaining agreement address meal and rest breaks; or an alternative approach to breaks is developed by the hospital's nurse staffing committees, if employees are not covered by a collective bargaining agreement.

(6) Requires the Department of Labor & Industries to report and make recommendations to the Legislature on the enforcement of meal and rest break requirements.

--- **END** ---