
Commerce & Labor Committee

HB 1680

Brief Description: Limiting the exceptions to the prohibition on mandatory overtime for employees of health care facilities.

Sponsors: Representatives Green, Conway, Appleton, Wood, Campbell, Morrell, Hasegawa, Darneille, Crouse, Seaquist, Williams, Cody, Moeller, Priest, Smith, Sullivan, Kenney and Ormsby.

Brief Summary of Bill

- Limits exceptions to the prohibition on mandatory overtime for circumstances relating to prescheduled on-call time and patient care in progress.
- Expands application of the prohibition on mandatory overtime to surgical technologists, radiologic technologists, and cardiovascular technologists and technicians.

Hearing Date: 2/3/09

Staff: Alison Hellberg (786-7152)

Background:

Both federal and Washington minimum wage laws establish requirements related to overtime work. These laws require covered employees to 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, enacted in 2002, prohibits covered health care facilities from requiring overtime, except in limited circumstances, for registered nurses and licensed practical nurses who are involved in direct patient care and paid an hourly wage. For this prohibition on mandatory overtime, 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. A health care facility

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means a facility that is licensed under specified laws as a hospital, a hospice, a rural health care facility, or a psychiatric hospital.

The prohibition on mandatory overtime does not apply to overtime work that occurs in specific circumstances. One exception includes overtime work that occurs because the work is required to complete a patient care procedure already in progress.

Summary of Bill:

Limitations are added to two of the exceptions to the prohibition on mandatory overtime law. First, prescheduled on-call time is an exception, but may only be used for unanticipated and immediate patient care emergencies and not to fill chronic staff shortages. Health care facilities must document reasonable efforts to obtain staffing to avoid prescheduled on-call time. Second, completing a patient care procedure already in progress is an exception, but the employer may not schedule nonemergency procedures that would require overtime.

In addition to registered nurses and licensed practical nurses, these provisions also apply to surgical technologists, radiologic technologists, and cardiovascular technologists and technicians who conduct tests on pulmonary or cardiovascular systems for diagnostic purposes.

Rules Authority: The bill does not address the rule-making powers of an agency.

Appropriation: None.

Fiscal Note: Requested on 1/27/09.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.