

HOUSE BILL REPORT

HB 2817

As Reported by House Committee On:
Labor & Workplace Standards

Title: An act relating to limiting overtime for correctional officers.

Brief Description: Limiting overtime for correctional officers.

Sponsors: Representatives Frame, Irwin, Sells, Appleton, Pollet and Stanford.

Brief History:

Committee Activity:

Labor & Workplace Standards: 1/25/18, 2/1/18 [DPS].

Brief Summary of Substitute Bill

- Requires the Employment Security Department to obtain data from counties regarding mandatory overtime for jail correctional officers.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Sells, Chair; Gregerson, Vice Chair; McCabe, Ranking Minority Member; Doglio, Frame and Manweller.

Staff: Joan Elgee (786-7106).

Background:

Counties are authorized to build and operate jails. They may also enter into inter-local agreements for the provision of jail services.

Under the Minimum Wage Act, overtime must be paid at a rate at least one and one-half times the worker's regular hourly rate for hours worked in excess of 40 in a work week. State law does not prohibit mandatory overtime except for certain registered nurses and licensed practical nurses who are involved in direct patient care activities or clinical services and receive an hourly wage. For these nurses, attempts to compel or force overtime are

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prohibited. Exceptions apply because of any unforeseeable emergent circumstance, and in certain other circumstances.

Summary of Substitute Bill:

The Employment Security Department (Department) must collect data from each of the counties in the state regarding the use of mandatory overtime in jails in the most recent five years for which data is available. The Department must collect at least the following:

- the number of correctional officers employed in each jail;
- the number of hours of mandatory overtime;
- the shift on which the overtime was worked; and
- whether an unforeseeable emergent circumstance was the reason for the overtime.

An unforeseeable emergent circumstance is: (1) a riot or other organized body acting together by force or similar emergency in which a need arises to detain a significant number of persons; (2) an unforeseen emergency requiring additional staffing occurring in the jail; or (3) any other unforeseen disaster or other catastrophic event that affects staffing in the jail. "Overtime" means hours in excess of the agreed upon, predetermined, regularly scheduled shift within a 24 hour period.

The Department must provide the data to the appropriate committees of the Legislature by December 1, 2019.

The provisions expire January 1, 2020.

Substitute Bill Compared to Original Bill:

The substitute bill strikes the prohibition on mandatory overtime and requires the collection of data. An intent section is added.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Mandatory overtime interferes with family events, school conferences, and other events and is hard on officers' health. Officers working 16 hours a day are on the roads, carrying guns, and are supposed to be keeping jails safe. In 2009 an arbitrator ruled the conditions are inefficient, dangerous, and cruel. There is no dispute that mandatory overtime is a real problem. King County has been working for years to solve the problem. Two

studies show understaffing is the cause. Counties are using routine mandatory overtime to manage jails. This is another piece of legislation to take care of workers who take care of us. Counties are in a difficult position, but families should not pay the price for budget shortfalls. It is a problem in many parts of the state.

(Opposed) There is a problem but jails do not have the ability to get money and hiring is a long-term process. If mandatory overtime were prohibited, either there would be unconstitutional conditions in the jail because of lockdowns or officers would be placed in danger. This issue should be solved at the local level. There are insufficient training slots at the Criminal Justice Training Center (CJTC), which needs more funding. Unlike for nurses, on-call and staffing agencies for officers are not options. King County is working on a better staffing model and reducing inefficiencies and is committed to improvements. New officers will start next week and the CJTC has additional slots.

Persons Testifying: (In support) Representative Frame, prime sponsor; Lucy Kemp; and Chris Vance, Jolene Jeffries, and Linda Holloway, King County Corrections Guild.

(Opposed) James McMahan, Washington Association of Sheriffs and Police Chiefs; and Mike West, King County Department of Adult and Juvenile Detention.

Persons Signed In To Testify But Not Testifying: None.