

# HOUSE BILL REPORT

## SHB 1879

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**As Passed House:**

March 4, 2025

**Title:** An act relating to meal and rest breaks for hospital workers.

**Brief Description:** Concerning meal and rest breaks for hospital workers.

**Sponsors:** House Committee on Labor & Workplace Standards (originally sponsored by Representatives Thomas, Berry, Doglio, Parshley, Simmons, Cortes, Santos, Fitzgibbon, Ormsby, Scott, Ramel, Hill, Fosse and Pollet).

**Brief History:**

**Committee Activity:**

Labor & Workplace Standards: 2/12/25, 2/18/25 [DPS].

**Floor Activity:**

Passed House: 3/4/25, 95-0.

**Brief Summary of Substitute Bill**

- Allows a hospital employer and employee to mutually agree to waive a meal or rest period and the timing of those periods, subject to certain conditions.

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### HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Berry, Chair; Fosse, Vice Chair; Scott, Vice Chair; Schmidt, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Bronoske, McEntire, Obras and Ortiz-Self.

**Staff:** Kelly Leonard (786-7147).

**Background:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

*Meal and Rest Periods.* Employers must provide all employees with meal and rest periods, as follows:

- a 30-minute meal period between the second and fifth hour of work for an employee working more than five hours;
- a second 30-minute meal period within five hours of the end of the first meal period, and for each five hours worked thereafter;
- a meal period before or during the overtime portion of a shift for an employee working at least three hours longer than a normal workday; and
- a 10-minute paid rest period for each four hours of working time.

An employer is not required to pay an employee for a meal period if the employee is completely relieved from duty and receives at least 30 minutes of uninterrupted break time. Rest breaks are considered compensable hours worked at the employee's agreed wage rate. An employer may never deduct from an employee's hours worked for time spent on lawful rest breaks.

*Hospital Employees.* State laws and rules provide specific requirements for hospitals employing employees who are involved in direct patient care activities or clinical services and who either receive an hourly wage or are covered by a collective bargaining agreement. For these employees, a meal or rest period must be uninterrupted unless either of the following occurs:

- an unforeseeable emergent circumstance; or
- an unforeseeable clinical circumstance, as determined by the employee, that may lead to a significant adverse effect on a patient's condition, unless the employer or employer's designee determines that the patient may suffer life-threatening adverse effects.

An employee may be entitled to compensation for a missed, interrupted, or untimely meal period, and may be entitled to additional compensation for a missed, interrupted, or untimely rest period, depending on the circumstances. The additional work time may also trigger overtime compensation requirements. For any work period for which an employee is entitled to one or more meal periods and more than one rest period, the employee and the employer may agree that a meal period may be combined with a rest period. This agreement may be revoked at any time by the employee. If the employee is required to remain on duty during the combined meal and rest period, the time must be paid. If the employee is released from duty for an uninterrupted combined meal and rest period, the time corresponding to the meal period is unpaid, and the time corresponding to the rest period must be paid.

A hospital employer must provide a quarterly report to the Department of Labor and Industries (L&I) with the total number of missed meal and rest periods during the quarter covered by the report. The reports are due to L&I 30 calendar days after the conclusion of the calendar quarter.

*Reporting and Enforcement.* Beginning July 1, 2026, L&I must impose monetary penalties if a hospital employer is not 80 percent compliant with the meal and rest period requirements or if the employer fails to submit a report. The penalties are: \$5,000 for hospitals certified as critical access hospitals or with up to 25 licensed beds; \$15,000 for hospitals with 100 to 299 beds; and \$20,000 for hospitals with 300 or more beds. The penalty amounts must be doubled if L&I is imposing penalties for a third consecutive quarter. A hospital in compliance for a single quarter is no longer subject to the penalties for subsequent violations for consecutive quarters.

The reporting and enforcement provisions do not apply to the following until July 1, 2028: hospitals certified as critical access hospitals; hospitals with fewer than 25 acute care licensed beds; hospitals certified by the Centers for Medicare and Medicaid Services as sole community hospitals that are not owned or operated by a health system that owns or operates more than one acute hospital; and hospitals located on an island operating within a public hospital district in Skagit County.

A hospital may not take adverse action against an employee for exercising any right under the meal and rest period provisions. L&I must investigate complaints related to adverse actions and may order civil penalties of up to \$1,000 for the first violation and up to \$5,000 for subsequent violations and other appropriate relief.

#### **Summary of Substitute Bill:**

A hospital and an employee may voluntarily agree to waive:

- the meal period, if any, in a work shift of less than eight hours;
- the second and/or third meal period in a work shift of eight hours or longer, so long as at least one meal period is provided and taken during the shift; and
- the timing requirements for meal and rest periods, so long as the meal period starts no earlier than the third hour worked and no later than the second to last hour scheduled.

The waiver must be agreed to by the employer and employee in advance of the first shift in which it is relied upon. Any waiver may be revoked at any time by the employer or employee.

Any waiver must be in writing or electronic recordkeeping format. The employer must record the signed waiver in the applicable electronic information management system and ensure the record is retrievable upon request. The waiver must include a summary of the applicable L&I rule governing meal and rest periods and advise the employee that the employee may have other rights under the applicable provisions of a collective bargaining agreement if one exists. Where applicable, the written waiver must be submitted on a form agreed to between the employer and the collective bargaining organization for employees it represents. An employer may inform employees of the meal and rest period waivers typically relied upon by employees on the shifts they are working and may make waivers available to employees.

A waived meal or rest period does not constitute a missed meal or rest period for purposes of reporting and enforcement requirements. Hospitals must include information on the total number of waived meal breaks in its quarterly reports to L&I.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect on January 1, 2026.

**Staff Summary of Public Testimony:**

(In support) The state has current laws for protecting hospital workers, including specific requirements for meal and rest breaks. The bill reflects an agreement between hospitals and workers to address issues arising with the current requirements as applied to longer shifts. Many hospital workers are on 12-hour shifts, rather than typical 8-hour shifts, requiring adjustments to the timing of meal and rest periods. The bill creates more flexibility for workers to choose when and how they take their breaks while also maintaining a safe workplace. Stakeholders support the technical amendments from L&I, which will improve the bill without changing the substance.

(Opposed) None.

**Persons Testifying:** Representative Brianna Thomas, prime sponsor; Ashlen Strong, Washington State Hospital Association; and Lindsey Grad, SEIU Healthcare 1199NW.

**Persons Signed In To Testify But Not Testifying:** None.