

SENATE BILL REPORT

SHB 1879

As of March 17, 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: Passed House: 3/4/25, 95-0.

Committee Activity: Labor & Commerce: 3/18/25.

Brief Summary of Bill

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

SENATE COMMITTEE ON LABOR & COMMERCE

Staff: Jarrett Sacks (786-7448)

Background: Meal and Rest Periods. The Department of Labor and Industries (L&I) establishes requirements for meal and rest breaks for employees. Employers must provide employees:

- 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 after that;
- 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 ten-minute paid rest period for each four hours of working time.

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.

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. Employees can waive their meal break requirement if both the employee and their employer agree. Rest break requirements cannot be waived. To waive meal break requirements, the employer must apply for, and L&I must approve, a variance from the requirements.

Hospital Employee Meal and Rest Breaks. State law has specific requirements for employees of hospitals involved in direct patient care or clinical services and who 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.

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, but the time corresponding to the rest period is paid.

A hospital employer must provide a quarterly report to L&I with the total number of missed meal and rest periods during the quarter covered by the report.

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. 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 additional penalties.

Until July 1, 2028, the reporting and enforcement provisions do not apply to:

- 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.

Summary of Bill: A hospital employer and an employee may agree to waive:

- the meal period, if any, in a work shift of less than eight hours;
- the second or third meal period, or both, in a work shift of eight hours or longer; 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.

Waivers must be in writing or in 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.

The employer must expressly advise the employee that the waiver is voluntary, and the waiver must be agreed to in advance of the first shift in which it is relied upon. Any waiver may be revoked at any time by the employer or the employee. 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 is not 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.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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