

2SHB 2501 - H AMD 1148

By Representative Warnick

FAILED 02/14/2012

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

3 "Sec. 1. RCW 49.28.140 and 2002 c 112 s 3 are each amended to
4 read as follows:

5 (1) No employee of a health care facility may be required to work
6 overtime. Attempts to compel or force employees to work overtime are
7 contrary to public policy, and any such requirement contained in a
8 contract, agreement, or understanding is void.

9 (2) The acceptance by any employee of overtime is strictly
10 voluntary, and the refusal of an employee to accept such overtime work
11 is not grounds for discrimination, dismissal, discharge, or any other
12 penalty, threat of reports for discipline, or employment decision
13 adverse to the employee.

14 (3) This section does not apply to overtime work that occurs:

15 (a) Because of any unforeseeable emergent circumstance;

16 (b) Because of prescheduled on-call time;

17 (c) When the employer documents that the employer has used
18 reasonable efforts to obtain staffing. An employer has not used
19 reasonable efforts if overtime work is used to fill vacancies
20 resulting from chronic staff shortages; or

21 (d) When an employee is required to work overtime to complete a
22 patient care procedure already in progress where the absence of the
23 employee could have an adverse effect on the patient.

24 (4) An employee of a health care facility may not work more than
25 sixteen hours in a twenty-four hour period. This subsection (4) does
26 not apply to work that occurs:

27

1 (a) In a critical access hospital designated under 42 U.S.C. Sec.
2 1395i-4;
3 (b) Because of any unforeseeable emergent circumstances; or
4 (c) When the employee or the employee's supervisor determines that
5 the absence of the employee could have an adverse effect on a
6 patient."

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8 Correct the title.

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EFFECT: Strikes the underlying bill and provides that an employee of a health care facility may not work more than 16 hours in a 24-hour period. Provides exceptions for: (a) critical access hospitals; (b) unforeseeable emergent circumstances; and (c) situations where the employee or the employee's supervisor determines that the employee's absence could have an adverse effect on a patient.

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