

---

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 3024

---

State of Washington

61st Legislature

2010 Regular Session

By House Ways & Means (originally sponsored by Representatives Conway, Morrell, Van De Wege, Williams, Sullivan, Seaquist, Green, Campbell, Simpson, Wood, and Nelson)

READ FIRST TIME 02/09/10.

1 AN ACT Relating to meal and rest breaks for employees of hospitals;  
2 and adding a new section to chapter 49.12 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.12 RCW  
5 to read as follows:

6 (1) An employer shall provide employees uninterrupted thirty-minute  
7 meal breaks and rest breaks of at least ten minutes or as otherwise  
8 agreed to be provided by the employer, whichever is longer, unless  
9 there is:

10 (a) An unforeseeable emergent circumstance as defined in RCW  
11 49.28.130; or

12 (b) A clinical circumstance that may lead to patient harm without  
13 the specific skill or expertise of the employee on break.

14 (2) Rest breaks may be taken at any point during each four-hour  
15 work period during which the employee is required to receive the rest  
16 break.

17 (3) As an exception to the rest break requirement of subsection (1)  
18 of this section, an employee may temporarily choose to take shorter

1 rest breaks equivalent to at least ten minutes during each four-hour  
2 work period.

3 (4) Reporting a missed break is not grounds for discrimination,  
4 dismissal, discharge, or any other penalty, threat of reports for  
5 discipline, or employment decision adverse to the employee.

6 (5) For purposes of this section, "employee" means a person who is  
7 involved in direct patient care activities or clinical services,  
8 receives an hourly wage, and is a:

9 (a) Licensed practical nurse or a registered nurse licensed under  
10 chapter 18.79 RCW;

11 (b) Surgical technologist registered under chapter 18.215 RCW;

12 (c) Radiologic technologist certified under chapter 18.84 RCW;

13 (d) Respiratory care practitioner licensed under chapter 18.89 RCW;

14 (e) Cardiovascular technologist or technician who conducts tests on  
15 pulmonary or cardiovascular systems of patients for diagnostic  
16 purposes; or

17 (f) Diagnostic medical sonographer who produces ultrasonic  
18 recordings of internal organs.

19 (6) For purposes of this section, "employer" means hospitals  
20 licensed under chapter 70.41 RCW; state hospitals as defined in RCW  
21 72.23.010; state veterans' homes as defined in RCW 72.36.035;  
22 residential habilitation centers listed in RCW 71A.20.020, 71A.20.030,  
23 and 71A.20.040; facilities owned and operated by the department of  
24 corrections, or by a governing unit as defined in RCW 70.48.020, in a  
25 correctional institution as defined in RCW 9.94.049 that provide health  
26 care services to inmates as defined in RCW 72.09.015; and facilities in  
27 an institution as defined in RCW 13.40.020 or a detention facility as  
28 defined in RCW 13.40.020 that provide health care services to juveniles  
29 committed to the custody of the department of social and health  
30 services under RCW 13.40.185 or confined in a detention facility.

--- END ---