
SUBSTITUTE SENATE BILL 5907

State of Washington

61st Legislature

2009 Regular Session

By Senate Labor, Commerce & Consumer Protection (originally sponsored by Senators Keiser, Swecker, and Roach)

READ FIRST TIME 02/23/09.

1 AN ACT Relating to limiting mandatory overtime for corrections
2 officers and sergeants employed by a county jail; and adding a new
3 section to chapter 49.28 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.28 RCW
6 to read as follows:

7 (1) The definitions in this subsection apply throughout this
8 section unless the context clearly requires otherwise.

9 (a) "Employee" means a corrections officer or sergeant employed by
10 a county jail located in a county with a population of more than one
11 million five hundred thousand.

12 (b) "Employer" means a county that is primarily responsible for the
13 operation of a jail.

14 (c) "Jail" has the meaning provided in RCW 70.48.020.

15 (d) "Overtime" means the hours worked in excess of an agreed upon,
16 predetermined, regularly scheduled shift within a twenty-four hour
17 period not to exceed eight and seventeen one-hundredths hours in a
18 twenty-four hour period or forty and eighty-five one-hundredths hours

1 in a seven-day period, where the hours are worked in only five out of
2 the seven days.

3 (e) "Reasonable efforts" means that the employer, to the extent
4 reasonably possible, does all of the following but is unable to obtain
5 staffing coverage:

6 (i) Seeks individuals to volunteer to work extra time from all
7 available qualified staff who are working; and

8 (ii) Contacts qualified employees who have made themselves
9 available to work extra time.

10 (f) "Unforeseeable emergent circumstance" means any unforeseen (i)
11 declared national, state, or municipal emergency; or (ii) event that
12 poses a substantial risk for public safety or the safety of other
13 corrections officers.

14 (2) Except as provided in subsection (3) of this section, an
15 employee may not be required to work more than four hours of overtime
16 per day. An employee may volunteer for additional overtime. The
17 refusal of an employee to volunteer for overtime work is not grounds
18 for discrimination, dismissal, discharge, or any other penalty, threat
19 of reports for discipline, or employment decision adverse to the
20 employee.

21 (3) An employee may be required to work more than four hours of
22 overtime per day if the employer has sought employee volunteers and has
23 not had enough employees volunteer to meet sufficient staffing levels
24 and:

25 (a) The work is due to an unforeseeable emergent circumstance; or

26 (b) The employer documents that the employer has used reasonable
27 efforts to obtain staffing. An employer has not used reasonable
28 efforts to obtain staffing if overtime work is used to fill vacancies
29 resulting from chronic staff shortages.

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