

HOUSE BILL REPORT

HB 1290

As Reported by House Committee On:
Labor & Workforce Development

Title: An act relating to the prohibition on mandatory overtime for certain health care employees.

Brief Description: Concerning mandatory overtime for certain health care employees.

Sponsors: Representatives Green, Cody, Van De Wege, Sells, Kenney and Reykdal.

Brief History:

Committee Activity:

Labor & Workforce Development: 1/21/11, 2/11/11 [DP].

Brief Summary of Bill

- Adds correctional facilities to the health care facilities prohibited from requiring overtime from their nursing staff.

HOUSE COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

Majority Report: Do pass. Signed by 13 members: Representatives Sells, Chair; Reykdal, Vice Chair; Condotta, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Fagan, Green, Kenney, Miloscia, Moeller, Ormsby, Roberts, Taylor and Warnick.

Staff: Alison Hellberg (786-7152).

Background:

Both federal and Washington state minimum wage laws establish requirements related to overtime work. These laws require covered employees to receive overtime pay for hours worked over 40 hours per week. Another state law requires overtime compensation for certain full-time employees, including nursing staff, of state institutions under the control of the Department of Social and Health Services or the Department of Corrections (DOC) after eight hours of work in a work day or 40 hours of work in a work week. With some exceptions, these wage laws do not prohibit an employer from requiring employees to work overtime.

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

One exception, enacted in 2002, prohibits covered health care facilities from requiring overtime, except in limited circumstances, for registered nurses and licensed practical nurses who are involved in direct patient care and paid an hourly wage. For this prohibition on mandatory overtime, overtime means work in excess of an agreed upon, regularly scheduled shift of not more than 12 hours in a 24-hour period or 80 hours in a 14-day period. A health care facility means a facility that is licensed under specified laws as a hospital, a hospice, a rural health care facility, or a psychiatric hospital. Institutions operated by the DOC are not licensed under the statutes specified in the overtime prohibition law.

Summary of Bill:

State or local correctional institutions that provide health care services to adult inmates are added to the list of health care facilities covered under the prohibition on mandatory overtime for certain registered and licensed practical nurses.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This is not a new issue. This has already been done in the private sector. Archers have found that the chance for errors occur at much higher rates when nurses work overtime. One of the main medical errors is giving the wrong amount of medication. There is no time for error, especially when inmates are on psychiatric drugs. This is particularly dangerous in a correctional setting.

Health care workers in DOC facilities are working around violent offenders. Nurses are required to work long hours of overtime and become incredibly fatigued. This can be very dangerous. It not only puts the nurse at risk, but also has the potential of causing harm to patients. It is hard to attract nurses to the profession with these working conditions. Nurses are depressed and ill because of how much they work. Mandatory overtime leads to fatigue, which leads to sick time, which leads to more mandatory overtime.

The inmates are savvy and they know the rules and laws. They are just waiting to file lawsuits. It costs the state money every time an inmate files lawsuits or if they are sick. Inadequate access to health care is one of the main reasons that inmates riot.

(Opposed) None.

Persons Testifying: Representative Green, prime sponsor; Anna Jancewicz and James Smith, Teamsters Local 117; Joyce Clegg; and Terry Hutchins.

Persons Signed In To Testify But Not Testifying: None.