

SENATE BILL REPORT

HB 1290

As Reported by Senate Committee On:
Labor, Commerce & Consumer Protection, March 17, 2011

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: Passed House: 3/03/11, 97-0.

Committee Activity: Labor, Commerce & Consumer Protection: 3/14/11, 3/17/11 [DP-WM].

SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry, Ranking Minority Member; King, Assistant Ranking Minority Member; Hewitt, Keiser and Kline.

Staff: Ingrid Mungia (786-7423)

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.

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

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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.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Mandatory overtime is outlawed in the private section. It is very difficult to recruit and retain nurses in the public sector with these working conditions. The DOC wants to stop having mandatory overtime. I believe the fiscal note will not bear out. We need to give these people a quality of life. Being tired around violent offenders can cost you your life. Health care workers in DOC facilities are working around violent offenders. 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 impacts the state of Washington on many levels. The better we can do our job, the less it is going to cost the state. When nurses are exhausted, we break down and have to go out on leave. Safety is always something we need to be conscious of. We need to abolish mandatory overtime so we can be safe at our work and take care of our patients. Safety is always something we need to be on the alert for when working with inmates. The average age of a nurse in DOC is 45 to 60 years old. Most other groups have been able to take care of this issue through collective bargaining. We have not been able to address this issue through collective bargaining.

Persons Testifying: PRO: Representative Green, prime sponsor; Jim Smith, Terry Hutchins, Lynn Kunkle, Anna Jancewicz, Teamsters 117.