
HOUSE BILL 1290

State of Washington 62nd Legislature 2011 Regular Session

By Representatives Green, Cody, Van De Wege, Sells, Kenney, and Reykdal

Read first time 01/18/11. Referred to Committee on Labor & Workforce Development.

1 AN ACT Relating to the prohibition on mandatory overtime for
2 certain health care employees; and amending RCW 49.28.130.

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

4 **Sec. 1.** RCW 49.28.130 and 2002 c 112 s 2 are each amended to read
5 as follows:

6 The definitions in this section apply throughout this section and
7 RCW 49.28.140 and 49.28.150 unless the context clearly requires
8 otherwise.

9 (1) "Employee" means a licensed practical nurse or a registered
10 nurse licensed under chapter 18.79 RCW employed by a health care
11 facility who is involved in direct patient care activities or clinical
12 services and receives an hourly wage.

13 (2) "Employer" means an individual, partnership, association,
14 corporation, the state (~~(institution)~~), a political subdivision of the
15 state, or person or group of persons, acting directly or indirectly in
16 the interest of a health care facility.

17 (3)(a) "Health care facility" means the following facilities, or
18 any part of the facility, including such facilities if owned and

1 operated by a political subdivision or instrumentality of the state,
2 that operate(~~(s)~~) on a twenty-four hours per day, seven days per week
3 basis:

4 (i) Hospices licensed under chapter 70.127 RCW(~~(7)~~);

5 (ii) Hospitals licensed under chapter 70.41 RCW(~~(7)~~);

6 (iii) Rural health care facilities as defined in RCW 70.175.020(~~(7~~
7 and));

8 (iv) Psychiatric hospitals licensed under chapter 71.12 RCW(~~(7~~
9 includes such facilities if owned and operated by a political
10 subdivision or instrumentality of the state)); or

11 (v) Facilities owned and operated by the department of corrections
12 or by a governing unit as defined in RCW 70.48.020 in a correctional
13 institution as defined in RCW 9.94.049 that provide health care
14 services to inmates as defined in RCW 72.09.015.

15 (b) If a nursing home regulated under chapter 18.51 RCW or a home
16 health agency regulated under chapter 70.127 RCW is operating under the
17 license of a health care facility, the nursing home or home health
18 agency is considered part of the health care facility for the purposes
19 of this subsection.

20 (4) "Overtime" means the hours worked in excess of an agreed upon,
21 predetermined, regularly scheduled shift within a twenty-four hour
22 period not to exceed twelve hours in a twenty-four hour period or
23 eighty hours in a consecutive fourteen-day period.

24 (5) "On-call time" means time spent by an employee who is not
25 working on the premises of the place of employment but who is
26 compensated for availability or who, as a condition of employment, has
27 agreed to be available to return to the premises of the place of
28 employment on short notice if the need arises.

29 (6) "Reasonable efforts" means that the employer, to the extent
30 reasonably possible, does all of the following but is unable to obtain
31 staffing coverage:

32 (a) Seeks individuals to volunteer to work extra time from all
33 available qualified staff who are working;

34 (b) Contacts qualified employees who have made themselves available
35 to work extra time;

36 (c) Seeks the use of per diem staff; and

37 (d) Seeks personnel from a contracted temporary agency when such

1 staffing is permitted by law or an applicable collective bargaining
2 agreement, and when the employer regularly uses a contracted temporary
3 agency.

4 (7) "Unforeseeable emergent circumstance" means (a) any unforeseen
5 declared national, state, or municipal emergency; (b) when a health
6 care facility disaster plan is activated; or (c) any unforeseen
7 disaster or other catastrophic event which substantially affects or
8 increases the need for health care services.

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