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## Labor & Workforce Development Committee

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### HB 1152

**Brief Description:** Addressing meal and rest breaks for hospital employees.

**Sponsors:** Representatives Morrell, Sells, Cody, Fitzgibbon, Moscoso, Green, Dunshee, Ryu, Van De Wege, Pollet, Maxwell, Bergquist, Hunt, Farrell and Santos.

#### Brief Summary of Bill

- Requires that meal and rest periods for certain hospital employees be uninterrupted.
- Permits rest periods to be taken at any point in the work period.
- Requires hospitals to record when certain employees take or miss a meal or rest period.

**Hearing Date:** 1/29/13

**Staff:** Alexa Silver (786-7190).

#### Background:

By rule, the Department of Labor & Industries (Department) requires that employees be provided with meal and rest periods. An employee must be allowed a 30-minute meal period starting no earlier than two hours and no later than five hours from the beginning of a shift. An employer may not require an employee to work more than five hours without a meal period. Meal periods are on the employer's time if the employee must remain on the premises and act in the interest of the employer. Meal periods may be unpaid if the employee is completely relieved from his or her duties during the meal period.

For every four hours worked an employee must be allowed a 10-minute rest period, and an employee may not be required to work more than three hours without a rest period. Rest periods must be scheduled as near as possible to the midpoint of the work period. Rest periods are on the employer's time.

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Scheduled rest periods are not required where the nature of the work allows employees to take intermittent rest periods equivalent to ten minutes for every four hours worked. Examples of intermittent rest periods include personal phone calls and conversations, snacks, and times when there is no work to do.

**Summary of Bill:**

Hospitals must provide certain employees with meal and rest periods as required by law, except that:

- rest periods may be taken at any point in the work period; and
- meal and rest periods must be uninterrupted, and hospitals may not require employees to take intermittent meal or rest periods.

A meal or rest period may be interrupted where there is an unforeseeable emergent circumstance or a clinical circumstance that may lead to patient harm without the employee's specific skill or expertise.

Hospitals must record when an employee takes or misses a meal or rest period and maintain these records as required by the Department.

Employees covered by these provisions are registered nurses, licensed practical nurses, surgical technologists, diagnostic radiologic technologists, cardiovascular invasive specialists, respiratory care practitioners, and certified nursing assistants who:

- are involved in direct patient care activities or clinical services; and
- receive an hourly wage or are covered by a collective bargaining agreement.

**Appropriation:** None.

**Fiscal Note:** Requested on 1/24/13.

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