
Labor & Workforce Development Committee

HB 1153

Brief Description: Regulating mandatory overtime for employees of health care facilities.

Sponsors: Representatives Reykdal, Sells, Green, Moscoso, Dunshee, Ryu, Van De Wege, Pollet, Morrell and Hunt.

Brief Summary of Bill

- Extends the prohibition on mandatory overtime in health care facilities to additional employees.
- Prohibits employers from using prescheduled on-call time to fill chronic or foreseeable staff shortages.
- Modifies exceptions to the prohibition on mandatory overtime related to prescheduled on-call time and completion of patient care procedures.

Hearing Date: 1/29/13

Staff: Alexa Silver (786-7190).

Background:

Both federal and state minimum wage laws establish requirements related to overtime work. These laws require that covered employees receive overtime pay for hours worked over 40 hours per week. With some exceptions, these wage laws do not prohibit an employer from requiring employees to work overtime.

One exception prohibits covered health care facilities from requiring overtime for registered nurses and licensed practical nurses who are involved in direct patient care and are paid an hourly wage. Health care facilities covered by this prohibition on mandatory overtime are hospitals, hospices, rural health care facilities, psychiatric hospitals, some nursing homes, and facilities owned or operated by prisons and jails that provide health care services to inmates in

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the custody of the Department of Corrections. In the context of this prohibition, 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.

The prohibition on mandatory overtime does not apply to overtime work that occurs:

- because of an unforeseeable emergency or disaster;
- because of prescheduled on-call time;
- when the employer documents reasonable efforts to obtain staffing; or
- when an employee must work overtime to complete a patient care procedure already in progress where the employee's absence would have an adverse effect on the patient.

Summary of Bill:

The prohibition on mandatory overtime in health care facilities applies to surgical technologists, diagnostic radiologic technologists, cardiovascular invasive specialists, respiratory care practitioners, and certified nursing assistants. The prohibition applies to employees who are covered by a collective bargaining agreement in addition to those who receive an hourly wage.

For health care facilities owned and operated by prisons and jails, the requirement that the facility provide care "to inmates" in state custody is deleted.

Employers are prohibited from using prescheduled on-call time to fill chronic or foreseeable staff shortages.

The exceptions to the prohibition on mandatory overtime are modified. The exception for prescheduled on-call time applies only if it is necessary for immediate and unanticipated patient care emergencies. For the exception related to procedures in progress, employers may not schedule non-emergency procedures that would require overtime.

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.