

# HOUSE BILL REPORT

## HB 1345

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**As Reported by House Committee On:**  
Labor & Workplace Standards

**Title:** An act relating to limiting overtime for correctional officers.

**Brief Description:** Limiting overtime for correctional officers.

**Sponsors:** Representatives Frame, Irwin, Sells and Goodman.

**Brief History:**

**Committee Activity:**

Labor & Workplace Standards: 1/24/19, 2/21/19 [DPS].

**Brief Summary of Substitute Bill**

- Requires the Employment Security Department to obtain data from counties regarding mandatory overtime for correctional officers.

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### HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Sells, Chair; Chapman, Vice Chair; Mosbrucker, Ranking Minority Member; Gregerson and Ormsby.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Chandler, Assistant Ranking Minority Member; Hoff.

**Staff:** Joan Elgee (786-7106).

**Background:**

Cities and counties are authorized to build and operate jails. They may also enter into inter-local agreements for the provision of jail services.

Under the Minimum Wage Act, overtime must be paid at a rate at least one and one-half times the worker's regular hourly rate for hours worked in excess of 40 hours in a work-week.

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*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.*

State law does not prohibit mandatory overtime except for certain registered nurses and licensed practical nurses who are involved in direct patient care activities or clinical services and receive an hourly wage. For these nurses, attempts to compel or force overtime are prohibited.

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**Summary of Substitute Bill:**

The Employment Security Department (ESD) must collect data from each of the counties in the state regarding the use of mandatory overtime in jails in the most recent five years for which data is available. The ESD must collect at least the following:

- the number of correctional officers employed in each jail;
- the number of hours of mandatory overtime;
- the shift on which the overtime was worked; and
- whether an unforeseeable emergent circumstance was the reason for the overtime.

An unforeseeable emergent circumstance is: (1) a riot or other organized body acting together by force or similar emergency in which a need arises to detain a significant number of persons; (2) an unforeseen emergency requiring additional staffing occurring in the jail; or (3) any other unforeseen disaster or other catastrophic event that affects staffing in the jail. "Overtime" means hours in excess of the agreed upon, predetermined, regularly scheduled shift within a 24-hour period.

Correctional officers includes persons responsible for inmates in a jail or juvenile detention facility. The ESD must provide the data to the appropriate committees of the Legislature by December 1, 2020.

The provisions expire January 1, 2021.

**Substitute Bill Compared to Original Bill:**

The substitute bill strikes the prohibition on mandatory overtime and requires the collection of data. An intent section is also added.

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**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on February 22, 2019.

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

**Staff Summary of Public Testimony:**

(In support) King County has had chronic staff shortages, including in juvenile facilities, and uses mandatory overtime as part of the staffing plan. Correctional officers, many of whom are women, have childcare issues and miss family events. Fatigued staff working 16-hour shifts are on the roads and carrying firearms. Decades of overtime put officers' health at risk. There was a 300 percent increase in mandatory overtime in juvenile facilities from 2017-18. The problem is not just in King County. Many staff are leaving the job. The budget issues for cities and counties are acknowledged but the forced overtime is not acceptable.

(Opposed) The problem is limited to one jurisdiction but it needs attention. King County would have to lock prisoners down 24 hours a day, which is probably unconstitutional, or set higher booking standards. This is a big ax for a small tree. There is a hiring crisis nationwide. King County is doing everything it can to add staff. It is a difficult job. The King County Corrections Guild and King County could not come to an agreement through collective bargaining and the agreement is going to arbitration.

**Persons Testifying:** (In support) Representative Frame, prime sponsor; Sundee Berg and David Richardson, King County Corrections Guild; and Jason Smith, King County Juvenile Detention Guild.

(Opposed) James McMahan, Washington Association of Sheriffs and Police Chiefs; and Steve Larsen, King County Department of Adult and Juvenile Detention.

**Persons Signed In To Testify But Not Testifying:** None.