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**SENATE BILL 5200**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senator Keiser

1 AN ACT Relating to limiting overtime for correctional officers;  
2 adding new sections to chapter 49.28 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** (1) An employer may not require a  
5 correctional officer to work overtime. Attempts to compel or force  
6 correctional officers to work overtime are contrary to public policy,  
7 and any such requirement contained in a contract, agreement, or  
8 understanding is void.

9 (2) The acceptance by any correctional officer of overtime is  
10 strictly voluntary, and the refusal to accept such overtime work is  
11 not grounds for discrimination, dismissal, discharge, or any other  
12 penalty, threat of reports for discipline, or employment decision  
13 adverse to the correctional officer.

14 (3) This section does not apply to overtime work that occurs:

15 (a) Because of any unforeseeable emergent circumstance; or

16 (b) When the employer documents that it has used reasonable  
17 efforts to obtain staffing. An employer has not used reasonable  
18 efforts if overtime work is used to fill vacancies resulting from  
19 chronic staff shortages.

1        NEW SECTION.    **Sec. 2.**    The definitions in this section apply  
2 throughout this section and sections 1 and 3 of this act unless the  
3 context clearly requires otherwise.

4        (1) "Correctional officer" means a person employed by an employer  
5 who is responsible for the custody, safety, security, and supervision  
6 of inmates in a jail.

7        (2) "Employer" means a city or county or any combination of  
8 cities and counties responsible for the operation, supervision, and  
9 maintenance of a jail.

10       (3) "Jail" means a facility operated by an employer primarily  
11 designed, staffed, and used for the housing of adult persons charged  
12 with a criminal offense either prior to trial or sentencing or  
13 following conviction, or both.

14       (4) "Overtime" means hours in excess of the agreed upon,  
15 predetermined, regularly scheduled shift within a twenty-four hour  
16 period.

17       (5) "Reasonable efforts" means that the employer, to the extent  
18 reasonably possible, does all of the following but is unable to  
19 obtain staffing coverage:

20       (a) Seeks individuals to volunteer to work overtime from all  
21 available qualified staff who are working; and

22       (b) Contacts qualified staff who have made themselves available  
23 to work overtime.

24       (6) "Unforeseeable emergent circumstance" means:

25       (a) A riot or other organized body acting together by force or  
26 similar emergency in which a need arises to detain a significant  
27 number of persons;

28       (b) An unforeseen emergency requiring additional staffing occurs  
29 in the jail; or

30       (c) Any other unforeseen disaster or other catastrophic event  
31 that affects staffing in the jail.

32       NEW SECTION.    **Sec. 3.**    The department of labor and industries  
33 must investigate complaints of violations of section 1 of this act. A  
34 violation of section 1 of this act is a class 1 civil infraction in  
35 accordance with chapter 7.80 RCW, except that the maximum penalty is  
36 one thousand dollars for each infraction up to three infractions. If  
37 there are four or more violations of section 1 of this act by an  
38 employer, the employer is subject to a fine of two thousand five  
39 hundred dollars for the fourth violation, and five thousand dollars

1 for each subsequent violation. The department of labor and industries  
2 is authorized to issue and enforce civil infractions according to  
3 chapter 7.80 RCW.

4 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act are each  
5 added to chapter 49.28 RCW.

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