
**Labor & Workplace Standards
Committee**

HB 2061

Brief Description: Defining an employee of a health care facility for purposes of mandatory overtime provisions.

Sponsors: Representatives Bronoske, Ramel, Berry, Reed, Fosse, Lekanoff, Pollet and Kloba.

Brief Summary of Bill

- Amends the definition of "employee," for purposes of the mandatory overtime prohibition, to mean any employee of a health care facility who is involved in direct patient care or clinical services and receives an hourly wage or is covered under a collective bargaining agreement.

Hearing Date: 1/23/24

Staff: Trudes Tango (786-7384).

Background:

Health care facilities are prohibited from requiring certain employees to work overtime. There are exceptions to this prohibition for unforeseeable emergent circumstances and other circumstances. This provision applies to an employee who:

- is employed by a health care facility;
- is involved in direct patient care activities or clinical services;
- receives an hourly wage or is covered by a collective bargaining agreement (CBA); and
- is either a licensed practical nurse, registered nurse, surgical technologist, diagnostic radiologic technologist, cardiovascular specialist, respiratory care practitioner, or certified nursing assistant.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Health care facility means the following facilities that operate on a 24-hour, seven days per week basis, including facilities owned and operated by a political subdivision or instrumentality of the state: (1) hospices; (2) hospitals; (3) rural health care facilities; (4) private psychiatric hospitals; and (5) facilities owned and operated by the Department of Corrections in a correctional institution that provides health care services.

Violations of the overtime provision are class 1 civil infractions until July 1, 2024, after which violations may be enforced through the Department of Labor and Industries (Department). The Department may impose civil penalties ranging from \$1,000 to \$5,000 per violation, depending on the frequency of violations.

Summary of Bill:

The definition of employee is amended to remove references to licensed practical nurses, technologists, and other specialists in various fields. Thus, the mandatory overtime prohibition applies to an employee who is employed by a health care facility, is involved in direct patient care activities or clinical services, and who receives an hourly wage or is covered by a CBA.

Appropriation: None.

Fiscal Note: Requested on January 16, 2024.

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