

SENATE BILL REPORT

SHB 2061

As Passed Senate, February 27, 2024

Title: An act relating to defining an employee of a health care facility for purposes of mandatory overtime provisions.

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

Sponsors: House Committee on Labor & Workplace Standards (originally sponsored by Representatives Bronoske, Ramel, Berry, Reed, Fosse, Lekanoff, Pollet and Kloba).

Brief History: Passed House: 2/8/24, 97-0.

Committee Activity: Labor & Commerce: 2/15/24, 2/19/24 [DP, w/oRec].

Floor Activity: Passed Senate: 2/27/24, 49-0.

Brief Summary of Bill

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

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: Do pass.

Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña, Vice Chair; King, Ranking Member; Hansen and Stanford.

Minority Report: That it be referred without recommendation.

Signed by Senators Braun, MacEwen and Schoesler.

Staff: Jarrett Sacks (786-7448)

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.

Background: In general, health care facilities are prohibited from requiring certain employees to work overtime. This applies to employees who:

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

A health care facility is any of the following facilities that operate on a 24-hour, seven days-per-week basis:

- hospices;
- hospitals;
- rural health care facilities;
- private psychiatric hospitals; and
- Department of Corrections facilities in a correctional institution that provide health care services.

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

Summary of Bill: References to licensed practical nurses, technologists, and other specialists are removed from the definition of employee, so the mandatory overtime prohibition applies to an employee of a health care facility who is involved in direct patient care activities or clinical services and receives an hourly wage or is covered by a CBA.

For most health care facilities, the new definition applies beginning January 1, 2025. For the following facilities, the new definition applies beginning July 1, 2025:

- hospitals certified as critical access hospitals;
- hospitals with fewer than 25 acute care beds;
- hospitals certified as sole community hospitals; and
- hospitals located on an island within Skagit County.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill takes effect on January 1, 2025.

Staff Summary of Public Testimony: PRO: The bill expands protections passed in previous years. The bill passed out of house unanimously. The bill addresses fatigue, which impacts patient care. It also prevents burnout. The bill does not change flexibility for emergencies. Mandatory overtime leads to burnout, turnover, and lack of applicants.

Persons Testifying: PRO: Representative Dan Bronoske, Prime Sponsor; Genevieve Sanford, SEIU Healthcare 1199NW; Lindsey Grad, SEIU Healthcare 1199NW.

Persons Signed In To Testify But Not Testifying: No one.