

HOUSE BILL REPORT

SHB 2061

As Passed Legislature

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:

Committee Activity:

Labor & Workplace Standards: 1/23/24, 1/30/24 [DPS].

Floor Activity:

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

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

Passed Legislature.

Brief Summary of Substitute 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.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Berry, Chair; Fosse, Vice Chair; Schmidt, Ranking Minority Member; Bronoske, Doglio, Ormsby, Ortiz-Self, Rude and Ybarra.

Staff: Trudes Tango (786-7384).

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:

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.

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 Substitute 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.

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.

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

Staff Summary of Public Testimony:

(In support) The intent is to bring in other health care workers who do not have protections from mandatory overtime. This will help address issues of burnout. Stakeholders are working together to delay the effective date to give employers time to implement the expansion. Mandatory overtime forces employees into impossible choices, and it is unsafe for patients.

(Opposed) None.

Persons Testifying: Representative Dan Bronoske, prime sponsor; and Genevieve Sanford and Oksana Petrova, Service Employees International Union 1199.

Persons Signed In To Testify But Not Testifying: None.