

FINAL BILL REPORT

SHB 2061

C 354 L 24

Synopsis as Enacted

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).

House Committee on Labor & Workplace Standards
Senate Committee on Labor & Commerce

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. The overtime prohibition 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.

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.

Summary:

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.

Votes on Final Passage:

House 97 0

Senate 49 0

Effective: January 1, 2025