

Overtime and meal and rest breaks for health care workers



Changes to the mandatory nurses' overtime law and new requirements for meal and rest periods for certain health care workers took effect at the start of 2020. This fact sheet lets you know who's included and details the new requirements under law.

Mandatory Nurses Overtime Law

Certain employees of health care facilities may not be required to work overtime, and cannot be compelled or forced to work beyond their regularly scheduled shift. Employees who work more than 12 consecutive hours must be given the option to have at least eight consecutive hours of uninterrupted time off.

Employees included:

Employees included are Licensed Practical Nurses (LPNs) and Registered Nurses (RNs) who are:

- Employed by a health care facility and involved in direct patient care
- Are paid an hourly wage or covered by a Collective Bargaining Agreement

Employees included after July 1, 2020:

- Surgical Technologist
- Diagnostic Radiologic Technologist
- Cardiovascular Invasive Specialist
- Respiratory Care Practitioner
- Certified Nursing Assistants

Excluded Employees:

Employees working for the Washington State Department of Corrections who are surgical technologists, diagnostic radiologic technologist, cardiovascular invasive specialist, respiratory care practitioner, and certified nursing assistants are excluded from coverage.

Overtime and short staffing

There are still circumstances where, under law, overtime can still be required, such as an unforeseeable emergency or when a patient care procedure is in progress.

Employers who are chronically short staffed cannot use the "reasonable effort" exception in demanding overtime. Instead, employers must document that they have tried to use alternatives to fill holes in their schedules. See more about this online at www.Lni.wa.gov and typing "Mandatory Nurse's Overtime" in the search box.

Health care facilities

Certain hospitals will have time to prepare for the new overtime law. The following hospitals must follow the overtime law starting July 1, 2021:

- Hospitals certified as critical access
- Hospitals with fewer than 25 acute care beds in operation
- Hospitals certified for Medicare and Medicaid services with less than 150 acute care beds and operated by the state or a political subdivision.



Meal and rest periods for certain health care employees

With the start of 2020, certain hospitals should be aware that some of their employees will have different requirements relating to meal and rest periods.

Employees include:

- Registered Nurses or Licensed Practical Nurses (RNs and LPNs)
- Surgical Technologists
- Diagnostic Radiologic Technologists
- Cardiovascular Invasive Specialists
- Respiratory Care Practitioners
- Certified Nursing Assistant

Who are employed by a health care facility and involved in direct patient care receiving an hourly wage or are covered by a union contract.

The new requirements:

- Meal and rest periods must be scheduled and uninterrupted unless there is an unforeseeable emergency or a situation that could lead to an adverse patient impact.
- Interrupted rest breaks must include an additional 10 minutes of uninterrupted time and be given as early as possible.
- Employer must record all missed meal or rest periods and keep these records on file.

Note: Certain hospitals will have time to prepare for the new meal and rest period requirements. The following hospitals must follow the overtime law starting July 1, 2021:

- Hospitals certified as critical access
- Hospitals with fewer than 25 acute care beds in operation
- Hospitals certified for Medicare and Medicaid services with less than 150 acute care beds and operated by the state or a political subdivision.

Revised Code of Washington (RCW) chapters

- 49.28.130 – Hours of health care facility employees
- 49.28.140 – Mandatory overtime – exceptions
- 49.28.150 – Penalties
- 49.12.480 – Meal and rest breaks for health care employees

To see more about the laws, go online to www.leg.wa.gov, and go under “Laws & Rules” in the “Find” column. From there, type the RCW chapter into the “Quick Reference Links.”

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