

Misconceptions on HB 1155 and SB 5190

There are a couple misconceptions being circulated by hospital administrators about the meal and rest breaks bill.

Please see below for the actual bill language that will help to clear up some of these misconceptions. You can also go to the Legislature's website and look at this bill language yourself. The bills are [HB 1155](#) and [SB 5190](#).

1. Misconception 1: "Breaks will be taken on a rigid scheduled"

According to the bill language, rest periods may be taken at any point during each work period. This allows for flexibility and allows nurses to use their judgement about an appropriate time to take a break. The bill language also states that breaks must be uninterrupted, except when there is an emergency or when the specific skill or expertise of the nurse is needed to avoid patient harm. The language is highlighted below.

NEW SECTION. Sec. 1. A new section is added to chapter 49.12 RCW to read as follows:

(1) An employer shall provide employees with meal and rest periods as required by law, subject to the following:

(a) Rest periods may be taken at any point during each work period during which the employee is required to receive a rest period; and

(b) Meal and rest periods must be uninterrupted, and an employer may not require an employee to take intermittent meal or rest periods.

This subsection (1)(b) does not apply when there is:

(i) An unforeseeable emergent circumstance, as defined in RCW 49.28.130; or

(ii) A clinical circumstance that may lead to patient harm without the specific skill or expertise of the employee taking a meal or rest period.

2. Misconception 2: "Nurses will no longer be able to take call or work overtime"

This bill does not eliminate call or elective overtime.

State law already says that no employee of a health care facility may be required to work overtime, and it states that overtime is strictly voluntary – and that refusal to work overtime is not grounds for discrimination, dismissal, discharge, or any other penalty, threat of reports for discipline, or employment decision adverse to the employee. While these worker protections are already state law, some hospitals are currently using call to staff regular shifts. Our rest breaks bill would close this loophole and also leaves flexibility for emergency circumstances (this language is pulled directly from Section 3 of the bill):

(3) The employer may not use prescheduled on-call time to fill chronic or foreseeable staff shortages.

(4) This section does not apply to overtime work that occurs:

(a) Because of any unforeseeable emergent circumstance;

(b) Because of prescheduled on-call time necessary for immediate and unanticipated patient care emergencies

If you have any other questions about this bill or hear additional misconceptions, please let WSNA know so that we can provide accurate information.