

Meal and Rest Break Protections for (Covered) Registered Nurses

Purpose/Overview <p>This document provides information on meal and rest break laws for registered nurses. Hospitals licensed under RCW 70.41 must provide covered healthcare employees with uninterrupted meal and rest periods as outlined by the Department of Labor and Industries Health Care Standards Act.</p>
Healthcare Employees Covered by Additional MEAL and REST Break Protections <ol style="list-style-type: none"> 1. Individuals employed by a hospital licensed under chapter 70.41 RCW. 2. Those involved in direct patient care activities or clinical services. 3. Employees covered by a collective bargaining agreement (CBA) or that receive an hourly wage. (RCW 49.12.480(3))
Employees Subject to Additional MEAL and REST Break Requirements <p>Hospitals licensed under Chapter 70.41 RCW are covered employers who must provide meal and rest periods that comply with the additional meal and rest break protections for covered health care employees. (RCW 70.41.020)</p> <p><i>Facilities that do not qualify as licensed hospitals under Chapter 70.41 RCW include: clinics or physician's offices, nursing homes, birthing centers, and psychiatric hospitals or similar institutions.</i></p>
Direct Patient Care/Clinical Service Definitions: <p>Direct patient care activities involve contact with patients to provide care and services including assessment, diagnosis, treatment, prevention of diseases and injuries, and health support and promotion activities. Contact may be hands-on, remote, or virtual, or other direct patient contact.</p> <p>Clinical services are provided by people with clinical training and are services related to the screening, assessment, observation, treatment, counseling, and care of a patient. Clinical services include nursing, therapeutic, technical, nutritional, social, and other services directly involved in the support of a patient's clinical plan of care.</p>
MEAL Period Requirements (General + Covered Healthcare Employees/Registered Nurses) <ul style="list-style-type: none"> ▪ A meal period not required for an employee working ≤ five consecutive hours. ▪ A meal period is required for an employee working > five hours: 30-minutes between the second and fifth hours of work. ▪ A second 30-minute meal period is given for an employee within 5 hours of the end of the first meal period, and for each five hours worked thereafter. ▪ Employees that work at least three hours longer than their regularly scheduled shift are allowed a meal period before or during the overtime portion of the shift. (See HLS.A.2 (4) and WAC 296-126-092 for additional information). ▪ An unpaid meal period is at least 30 minutes of uninterrupted time if completely relieved from duty. ▪ A meal period is paid if the employee is required to remain on duty at the work site in the interest of the employer.
Waived MEAL Period/Waived MEAL Period Timing- EMPLOYEE <ul style="list-style-type: none"> ▪ An employee may request to waive a single/multiple meal period(s) in advance of the scheduled meal period. (ES.C.6.1 (8)) ▪ An employee's request to waive a meal period is entirely voluntary on the part of the employee. ▪ An employee may not agree to waive a meal period after a missed meal period. ▪ An employee may withdraw the request to waive a meal period(s) or request that a meal period be reinstated at any time. ▪ An employee may request to waive meal period timing, (e.g., the first meal period may occur after the fifth hour of work). <ul style="list-style-type: none"> ➢ Employees are advised to make requests to waive a meal period(s) or meal period timing in writing.
Waived MEAL Period - EMPLOYER <ul style="list-style-type: none"> ▪ An employer may agree or refuse to allow a waived meal period request. (ES.C.6.1 (8)) ▪ An employer must provide a timely and compliant meal period if an employee withdraws a meal period waiver request. ▪ A meal period waiver is not considered entirely voluntary if the employer: <ul style="list-style-type: none"> ➢ Utilizes a default or "opt-out" waiver. ➢ Induces an employee to waive meal periods. ➢ Includes a waiver in a form or setting in which an employee may not understand the waiver is entirely voluntary or feels compelled to sign the waiver
<p>**For specific information on registered nurse rights at your facility, refer to your collective bargaining agreement. Collective bargaining is permitted for meal/rest periods including additional breaks, longer duration, and combined breaks. (RCW 49.12.187)</p> <p>(Also see WAC 296-126-092 and Administrative Policy ES.C.6.1)</p>

REST Period Requirements (Covered Healthcare Employees/Registered Nurses)

- A 10-minute rest period (rest break) is required for every four hours the employee works.
- Rest period timing is not prescribed, and a rest period may be scheduled at any time during the four-hour period.
- Rest periods must be **uninterrupted** except in certain circumstances (described below).

Waived REST Period

- It is not permissible to waive a rest period.

MEAL and REST Periods (Breaks) - Summary of Requirements

Shift Length	Meal Periods (Breaks)	Rest Periods (Breaks)
Four (4) hours	0	1
Eight (8) hours	1-2*	2
Ten (10) hours	1-2*	2
Twelve (12) hours	2	3

**Employees must be offered a meal period for every five hours of work.*

Exceptions to Uninterrupted MEAL and REST Periods (Breaks)

The law permits interruption of a covered employee's meal or rest breaks when:

- There are unforeseeable emergent circumstances:
 - Any unforeseen declared national, state, or municipal emergency
 - When a health care facility disaster plan is activated.
 - Any unforeseen disaster or other catastrophic event which substantially affects or increases the need for health care services. (RCW 49.28.130)
- There are unforeseeable clinical circumstances with a significant adverse effect on a patient's condition. (RCW 49.12.480)

Remediation for MEAL and REST Periods (Breaks) Interrupted as Permitted by Law

For meal or rest periods permissibly interrupted, the employee is:

- Entitled to the remainder of the meal or rest period (break) as soon as reasonably possible.
- If the break is not completed, it is considered a missed break.
- The employer must document event details that led to the interruption and make documentation available to L & I upon request. (RCW 49.12.480, RCW 49.12.483, WAC 296-126-092)

Combined MEAL and REST Periods

Covered healthcare employees may combine a meal period with a rest period under certain conditions:

- When shift length entitles the employee to one or more meal periods and more than one rest period.
- The employer and the employee agree to combine one meal period with one rest period.
- The combined meal and rest period generally meets the timing requirements for one meal period + one rest period.
- It is not permissible to combine more than one rest period with one meal period.
- The employee may choose to cancel the agreement to combine the meal and rest period at any time.
- If the employee remains on duty during the combined meal and rest period, the employee is paid for that time.
- If the employee is not on duty for the uninterrupted combined meal and rest period, the meal period is unpaid time and the rest period is paid time. (RCW 49.12.480)

Compensation: Missed, Interrupted, Untimely MEAL Periods

A **MEAL** period correctly scheduled and completed without interruption is unpaid.

Compensable meal periods include:

- A worked meal period – employee is paid for worked hours + wages for missed meal period (overtime wages may apply).
- An untimely meal period, (e.g., first meal period does not occur between the second-fifth hour worked).
- An interrupted meal period for a non-allowable purpose, and not timely replaced.
- An interrupted meal period for an allowable purpose and never completed.

Compensation: Missed, Interrupted, Untimely REST Periods

A **REST** period is paid time, compensated at the employee's usual rate of pay.

Compensable rest periods include: (the employee is paid additional wages – overtime wages may apply)

- A missed rest break – employee is paid additional wages for the entire missed rest break.
- An untimely rest period, (e.g., rest period does not occur in the required four-hour time block).
- An interrupted rest period for a non-allowable purpose, and not timely replaced.
- An interrupted rest period for an allowable purpose and never completed during the shift.

Required Documentation: MEAL and REST Periods

- Employers establish and maintain a system for employees to document missed meal and rest periods.
- Employees (free of coercion) accurately record missed and/or interrupted meal and rest periods. (RCW 49.12.483(4)(a)(ii))
- Meal periods/meal timing requirements properly and voluntarily waived by an employee are not considered missed.
- Employers report quarterly (using a standard self-report form) to L & I the total meal and rest periods missed, and the total meal and rest periods required.
- Employer - target 80% or greater compliance with provision of employee meal and rest breaks. (RCW 49.12.483(2)(a))
- Employer validates the report and submits it to Labor and Industries 30 days after the end of the quarter.
- Employer maintains meal/rest break records. (RCW 49.12.480(2)(a))

**For additional information on required documentation and reporting see [HLS.A.2 \(wa.gov\)](https://www.wa.gov/hls/a2)*

Required Reporting to Labor and Industries (L & I): MEAL and REST Period Timing

- Meal and rest period data collection begins for most hospitals on July 1, 2024 (quarter = July 1 – Sept. 30, 2024).
 - First meal/rest break compliance report is due to L & I on October 30, 2024 (quarterly thereafter)
- Exceptions: Hospitals certified as critical access hospitals and/or fewer than 25 acute care licensed beds, hospitals certified by the centers for Medicare and Medicaid services as sole community hospitals that are not owned or operated by a health system that owns or operates more than one acute hospital licensed, and hospitals located on an island operating within a public hospital district in Skagit county.
 - Start date to comply with reporting requirements begins July 1, 2026.

Employee Protections: Exercising rights to MEAL and REST breaks

- Employers may not take adverse action against employees for exercising their rights to meal and rest breaks.
 - 1) The right to take meal and rest periods authorized by law, 2) the right to record missed meal and rest periods in the employer's tracking system, 3) the right to file a complaint related to perceived violation of rights.
- An adverse action is any action taken or threatened by an employer against an employee for exercising their rights:
 - Terminating, suspending, demoting, or denying a promotion
 - Reducing the employees' scheduled work hours
 - Oral or written warning
 - Reducing the employee's rate of pay (HLS.A.2, RCW 49.12.480, RCW 49.12.483)

**Non-coercive counseling, coaching, training, or other resources offered to an employee are not considered adverse actions for this purpose.*

Find meal and rest break examples including

Meal and rest break examples for covered employees are available in L & I administrative policy [HLS.A.2 \(wa.gov\)](https://www.wa.gov/hls/a2).

File a Labor and Industries Meal or Rest Breaks Complaint

- ONLINE: File a [Worker Rights Complaint online](#).
- MAIL: Download and mail a completed [Worker Rights Complaint form](#) (F700-148-000)
- PHONE: By Phone 360-902-5484
- IN PERSON: Visit your nearest [L&I office](#).

FOR QUESTIONS on meal or rest break policy/law contact: HealthcareLaborStandards@lni.wa.gov

References

Labor and Industries. (2024). Meal and rest break protections for certain healthcare workers. Administrative Policy. Retrieved August 8, 2024 from [HLS.A.2 \(wa.gov\)](https://www.wa.gov/hls/a2)

Labor and Industries. (2017) Meal and rest periods for nonagricultural workers age 18 and over. Administrative Policy. Retrieved August 8, 2024, from [ES.C.6.1](#).

[RCW 49.12.480](#) Meal and rest breaks for healthcare facility employees.

[RCW 49.12.483](#) Meal and rest breaks for health care facility employees – enforcement/penalties/retaliatory actions/appeals.

[RCW 70.41](#) Hospital licensing and regulation.

[WAC 296-126-092](#) Meal periods-rest periods