

# Minimum staffing must be met at all times

As members of WSNA, UFCW 3000, and SEIU Healthcare 1199NW united in our WA Safe + Healthy coalition, we are actively engaged in ensuring the implementation of the new Meal and Rest Breaks law.

In accordance with the staffing plan developed for each dept./unit, hospitals must maintain the staffing level identified in the staffing plan, even while workers are on break.

- *The HSC may restructure how break relief is provided.*
- *The hospital is out of compliance when the number of nursing staff actively caring for patients is lower than the staffing plan at any time during the shift (including meal/rest breaks).*
- *The requirement for compliance is effective 7/1/2025.*

\*Information provided by Washington Department of Health

## Meal and Rest Breaks law amendment introduced

As we worked to implement the new law, we recognized the law didn't consider that many healthcare workers now work 10-12 hour shifts. An amendment has been introduced to better reflect the current practice of taking breaks to allow workers to combine one or more rest breaks with a meal period.

### Following the implementation of the Hospital Staffing Committee law (SB 5236):

- *Covered workers can only combine one rest break with one meal break*
- *Waivers were not negotiated prior to implementation at facilities*

### With passage of the amendment:

- *One or more rest breaks can be combined with a meal break if a worker chooses to waive the timing of meal and/or rest breaks.*
- *Where applicable, the written waiver must be submitted on a form agreed to between the employer and the collective bargaining representative.*

### Q: Can I be disciplined for reporting a missed meal or rest break?

NO. Employers may not take adverse action against employees for exercising their rights to meal and rest breaks. The law protects the rights of covered healthcare workers to:

1. Take meal and rest periods authorized by law
2. Record missed meal and rest periods in the employer's tracking system
3. File a complaint related to a 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)

### Q: How do I file a complaint if my employer is not providing me with meal and/or rest breaks?

**PHONE:** By Phone 360-902-5484

**IN PERSON:** Visit your nearest L&I office

**MAIL:** Download and mail a completed Worker Rights Complaint form (F700-148-000)

**ONLINE:** File a Worker Rights Complaint online. <https://secure.lni.wa.gov/HealthcareWorkersComplaint/#/>

