

RCW 49.12.480 Meal and rest breaks for health care facility employees. (Effective until January 1, 2026.) (1) An employer shall provide employees with meal and rest periods as required by law, subject to the following:

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

(b) Employers must provide employees with uninterrupted meal and rest breaks. This subsection (1)(b) does not apply in the case of:

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

(ii) An unforeseeable clinical circumstance, as determined by the employee that may lead to a significant adverse effect on the patient's condition, unless the employer or employer's designee determines that the patient may suffer life-threatening adverse effects;

(c) For any work period for which an employee is entitled to one or more meal periods and more than one rest period, the employee and the employer may agree that a meal period may be combined with a rest period. This agreement may be revoked at any time by the employee. If the employee is required to remain on duty during the combined meal and rest period, the time shall be paid. If the employee is released from duty for an uninterrupted combined meal and rest period, the time corresponding to the meal period shall be unpaid, but the time corresponding to the rest period shall be paid.

(2)(a) The employer shall provide a mechanism to record when an employee misses a meal or rest period and maintain these records.

(b) The employer must provide a quarterly report to the department of the total meals and rest periods missed in violation of this section during the quarter covered by the report, and the total number of meals and rest periods required during the quarter. The reports are due to the department 30 calendar days after the conclusion of the calendar quarter.

(c) The provisions of (b) in this subsection (2) do not apply to hospitals defined in RCW 70.41.420(7)(b)(iv) until July 1, 2026.

(3) For purposes of this section, the following terms have the following meanings:

(a) "Employee" means a person who:

(i) Is employed by an employer;

(ii) Is involved in direct patient care activities or clinical services; and

(iii) Receives an hourly wage or is covered by a collective bargaining agreement.

(b) "Employer" means hospitals licensed under chapter 70.41 RCW. [2023 c 114 s 8; 2019 c 296 s 1.]

Effective date—2023 c 114: See note following RCW 70.41.410.

Effective date—2019 c 296: "This act takes effect January 1, 2020." [2019 c 296 s 4.]

RCW 49.12.480 Meal and rest breaks for health care facility employees—Waiver. (Effective January 1, 2026.) (1) An employer shall provide employees with meal and rest periods as required by law, subject to the following:

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

(b) Employers must provide employees with uninterrupted meal and rest breaks. This subsection (1)(b) does not apply in the case of:

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

(ii) An unforeseeable clinical circumstance, as determined by the employee that may lead to a significant adverse effect on the patient's condition, unless the employer or employer's designee determines that the patient may suffer life-threatening adverse effects;

(c) For any work period for which an employee is entitled to one or more meal periods and more than one rest period, the employee and the employer may agree that one or more meal or rest periods may be combined with one or more rest periods. This agreement may be revoked at any time by the employee. If the employee is required to remain on duty during the combined meal and rest period, the time shall be paid. If the employee is released from duty for an uninterrupted combined meal and rest period, the time corresponding to the meal period shall be unpaid, but the time corresponding to the rest period shall be paid.

(d)(i) An employer and employee may agree to waive:

(A) The meal period, if any, in a work shift of less than eight hours; or

(B) The second and/or third meal period in a work shift of eight hours or longer, so long as at least one meal period is provided and taken during the shift.

(ii) An employer and employee may also agree to waive otherwise applicable timing requirements for meal and rest periods, so long as the meal period starts no earlier than the third hour worked and no later than the second to last hour scheduled.

(iii) Any waiver must be in writing or electronic recordkeeping format. The employer must record the signed waiver in the applicable electronic information management system, and ensure the record is retrievable upon request. The waiver must include a summary of the applicable department rule governing meal and rest periods and advise the employee that the employee may have other rights under the applicable provisions of a collective bargaining agreement if one exists. Any waiver under this subsection (1)(d) must be voluntary, and the employer must expressly advise the employee that it is voluntary. The waiver must be agreed to by the employer and employee in advance of the first shift in which it is relied upon. Any waiver may be revoked at any time by the employer or employee. Where applicable, the written waiver must be submitted on a form agreed to between the employer and the collective bargaining organization for employees it represents.

(iv) Employers may inform employees of the meal and rest period waivers typically relied upon by employees on the shifts they are working and may make waivers available to employees, so long as those waivers comply with this subsection (1)(d).

(v) A waived meal or rest period does not constitute a missed meal or rest period for purposes of RCW 49.12.483, so long as those waivers comply with this subsection (1)(d).

(2)(a) The employer shall provide a mechanism to record when an employee misses a meal or rest period and maintain these records.

(b)(i) The employer must provide a quarterly report to the department, including the following for the quarter covered by the report:

(A) The total meals and rest periods missed in violation of this section;

(B) The total number of meal and rest periods waived by an agreement under subsection (1)(d) of this section; and

(C) The total number of meals and rest periods required during the quarter.

(ii) Each quarterly report is due to the department 30 calendar days after the conclusion of the calendar quarter.

(c) The provisions of (b) in this subsection (2) do not apply to hospitals defined in RCW 70.41.420(7)(b)(iv) until July 1, 2026.

(3) For purposes of this section, the following terms have the following meanings:

(a) "Employee" means a person who:

(i) Is employed by an employer;

(ii) Is involved in direct patient care activities or clinical services; and

(iii) Receives an hourly wage or is covered by a collective bargaining agreement.

(b) "Employer" means hospitals licensed under chapter 70.41 RCW. [2025 c 101 s 2; 2023 c 114 s 8; 2019 c 296 s 1.]

Finding—Intent—2025 c 101: "(1) The legislature finds that rest breaks and meal breaks are important for health care workers to provide a safe workplace and safe patient care. The department of labor and industries' rules governing rest breaks and meal breaks were promulgated at a time when work shifts of 10 hours or more were unusual, but these work shifts are now routine in Washington's hospitals and commonly requested by health care workers.

(2) The legislature therefore intends to clarify certain aspects of scheduling and taking rest breaks and meal breaks for covered health care workers while fully protecting health care employees' rights to receive all rest breaks and meal breaks to which they are entitled." [2025 c 101 s 1.]

Effective date—2025 c 101: "This act takes effect January 1, 2026." [2025 c 101 s 3.]

Effective date—2023 c 114: See note following RCW 70.41.410.

Effective date—2019 c 296: "This act takes effect January 1, 2020." [2019 c 296 s 4.]