

2023 -- H 5371

LC001036

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- MINIMUM WAGES

Introduced By: Representatives Felix, Tanzi, Giraldo, Voas, Stewart, Alzate, Kazarian,  
Henries, Boylan, and Morales

Date Introduced: February 03, 2023

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-12-2 of the General Laws in Chapter 28-12 entitled "Minimum  
2 Wages" is hereby amended to read as follows:

3 **28-12-2. Definitions.**

4 As used in this chapter:

5 (1) "Advisory board" means a board created as provided in § 28-12-6.

6 (2) "Commissioner" means the minimum-wage commissioner appointed by the director of  
7 labor and training as chief of the division of labor standards.

8 (3) "Director" means the director of labor and training, or his or her duly authorized  
9 representative.

10 (4) "Employ" means to suffer or to permit to work.

11 (5)(i) "Employee" includes any individual suffered or permitted to work by an employer.

12 (ii) "Employee" shall not include:

13 (A) ~~Any individual employed in domestic service or in or about a private home;~~

14 (B) Any individual employed by the United States;

15 (C) Any individual engaged in the activities of an educational, charitable, religious, or  
16 nonprofit organization where the employer-employee relationship does not, in fact, exist, or where  
17 the services rendered to the organizations are on a voluntary basis;

18 (D) Newspaper deliverers on home delivery, shoe shiners in shoe shine establishments,  
19 caddies on golf courses, pin persons in bowling alleys, ushers in theatres;

1 (E) Traveling salespersons or outside salespersons;

2 (F) Service performed by an individual in the employ of his or her son, daughter, or spouse  
3 and service performed by a child under the age of twenty-one (21) in the employ of his or her father  
4 or mother;

5 (G) Any individual employed between May 1 and October 1 in a resort establishment that  
6 regularly serves meals to the general public and that is open for business not more than six (6)  
7 months a year;

8 (H) Any individual employed by an organized camp that does not operate for more than  
9 seven (7) months in any calendar year. However, this exemption does not apply to individuals  
10 employed by the camp on an annual, full-time basis. "Organized camp" means any camp, except a  
11 trailer camp, having a structured program including, but not limited to, recreation, education, and  
12 religious, or any combination of these.

13 (6) "Employer" includes any individual, partnership, association, corporation, business  
14 trust, or any person, or group of persons, acting directly, or indirectly, in the interest of an employer,  
15 in relation to an employee.

16 (7) "Occupation" means any occupation, service, trade, business, industry, or branch or  
17 group of industries or employment or class of employment in which individuals are gainfully  
18 employed.

19 (8) "Wage" means compensation due to an employee by reason of his or her employment.

20 SECTION 2. This act shall take effect upon passage.

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LC001036  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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- 1           This act would allow individuals employed in domestic service or in or about a private
- 2 home to be included as an employee, for purposes of minimum wages law.
- 3           This act would take effect upon passage.

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