

2023 -- H 5587

LC000481

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 Morales, Hull, Stewart, Potter, Giraldo, Kislak, Henries, Cardillo, Cruz, and Slater

Date Introduced: February 15, 2023

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 28-12 of the General Laws entitled "Minimum Wages" is hereby
2 amended by adding thereto the following section:

3 **28-12-3.3. Minimum wage for public school crossing guards.**

4 Effective January 1, 2024, every public school crossing guard shall be paid a minimum
5 wage of eighteen dollars (\$18.00) per hour.

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

8 **28-12-2. Definitions.**

9 As used in this chapter:

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

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

13 (3) "Crossing guard" means a person employed or assigned by a municipality, school
14 district or school to assist public school students to safely cross the street.

15 ~~(3)~~(4) "Director" means the director of labor and training, or his or her duly authorized
16 representative.

17 ~~(4)~~(5) "Employ" means to suffer or to permit to work.

18 ~~(5)~~(6)(i) "Employee" includes any individual suffered or permitted to work by an
19 employer.

1 (ii) "Employee" shall not include:

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

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

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

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

9 (E) Traveling salespersons or outside salespersons;

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

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

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

21 ~~(6)~~(7) "Employer" includes any individual, partnership, association, corporation, business
22 trust, or any person, or group of persons, acting directly, or indirectly, in the interest of an employer,
23 in relation to an employee.

24 ~~(7)~~(8) "Occupation" means any occupation, service, trade, business, industry, or branch or
25 group of industries or employment or class of employment in which individuals are gainfully
26 employed.

27 ~~(8)~~(9) "Wage" means compensation due to an employee by reason of his or her
28 employment.

29 SECTION 3. This act shall take effect upon passage.

=====
LC000481
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO LABOR AND LABOR RELATIONS -- MINIMUM WAGES

- 1 This act would set the minimum wage for public school crossing guards at eighteen dollars
2 (\$18.00) per hour. This act would also define a crossing guard as a person employed or assigned
3 by a municipality, school district or school to assist public school students to safely cross the street.
4 This act would take effect upon passage.

=====
LC000481
=====