

2023 -- H 5931

LC001841

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO HEALTH AND SAFETY -- HAZARD PAY AND PROTECTION FOR
ESSENTIAL WORKERS

Introduced By: Representatives Caldwell, Donovan, McEntee, Fogarty, O'Brien, Craven,
and Kazarian

Date Introduced: March 01, 2023

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 99

4 HAZARD PAY AND PROTECTION FOR ESSENTIAL WORKERS

5 **23-99-1. Definitions.**

6 As used in this chapter:

7 (1) "Essential business" means any private-sector employer that provides "essential
8 services" and is authorized to remain open during a declaration by the governor of a public health
9 state of emergency. This law shall apply to employers with eleven (11) or more employees.

10 (2) "Essential services" means any services that are required to promote the public health
11 and welfare of the state during a public health crisis and/or a state of emergency in an executive
12 order issued by the governor.

13 (3) "Essential worker" means an individual employed by an "essential business."

14 **23-99-2. Hazard pay for essential workers.**

15 (a) Notwithstanding any section of the general laws to the contrary, following the
16 declaration by the governor of a public health state of emergency that includes or is followed by
17 any additional executive order in furtherance of such declaration that includes an order to stay at
18 home, shelter in place, or limit time spent outside the home, any employer that provides "essential

1 services" outside his or her home, shall pay each of its essential workers, "hazard pay," calculated
2 at a rate not less than one and one-half (1 1/2) times the essential worker's regular rate of pay for
3 any hours worked while the public health state of emergency is in effect. This section shall not
4 apply to anyone employed by the state or any of its political subdivisions, or a bona fide executive,
5 administrative, or professional person exempt from overtime under the federal Fair Labor Standards
6 Act.

7 (b) No essential worker shall be required to perform "essential services" work under the
8 following conditions:

9 (1) If the worker reasonably believes that working in the workplace would seriously
10 threaten their health or safety;

11 (2) If the worker has a health condition that puts them at an elevated health risk arising
12 from an immediate or imminent exposure to a hazard;

13 (3) If they live with a person whose health condition would put that person at an elevated
14 risk on the basis that working creates a health risk to that person; or

15 (4) If they have to care for children and daycare or schools are not available following the
16 declaration by the governor of a public health state of emergency. A refusal to work shall not be
17 grounds for discrimination, dismissal, discharge, reduction in hours, or any other penalty. However,
18 this section shall not require an employer to provide pay during a period of refusal under this
19 section, although this section shall not impair an employee's right to receive pay for any other
20 reason.

21 (c) The provisions of this law shall be enforced by the office of the attorney general.
22 However, an employee's right to receive all wages due under any other statute shall not be impaired
23 by this statute, nor shall an employee's ability to enforce their rights under any other statute.

24 (d) Following the declaration by the governor of a public health state of emergency, that
25 includes or is followed by any additional executive order in furtherance of such declaration, any
26 essential employer shall provide each of its essential workers, at no cost to them, personal protective
27 equipment related to the public health state of emergency and recommended for the relevant work
28 site or job task by the department of labor and training, the department of health, the U.S. Centers
29 for Disease Control and Prevention, or the Occupational Safety and Health Administration.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO HEALTH AND SAFETY -- HAZARD PAY AND PROTECTION FOR
ESSENTIAL WORKERS

- 1 This act would create hazard pay for essential services during a public health crisis as
- 2 issued by the governor.
- 3 This act would take effect upon passage.

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