

2025 -- H 5187 SUBSTITUTE A AS AMENDED

LC000633/SUB A/2

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- LABOR RELATIONS ACT

Introduced By: Representatives Corvese, J. Brien, Noret, Azzinaro, DeSimone, Potter,
Bennett, Hull, Read, and O'Brien
Date Introduced: January 24, 2025
Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 28-7-2, 28-7-3, 28-7-9, 28-7-21 and 28-7-22 of the General Laws in
2 Chapter 28-7 entitled "Labor Relations Act" are hereby amended to read as follows:
3 **28-7-2. Policy of chapter.**
4 (a) The economic necessity for employees to possess full freedom of association, actual
5 liberty of contract, and bargaining power equal to that of their employers, who are frequently
6 organized in corporate or other forms of association, has long been sanctioned by public opinion,
7 and recognized and affirmed by legislatures and the highest courts. As the modern industrial system
8 has progressed, there has developed between and among employees and employers an ever greater
9 economic interdependence and community of interest which have become matters of vital public
10 concern. Employers and employees have recognized that the peaceable practice and wholesome
11 development of that relationship and interest are materially aided by the general adoption and
12 advancement of the procedure and practice of bargaining collectively as between equals. It is in the
13 public interest that equality of bargaining power be established and maintained. It is likewise
14 recognized that the denial by some employers of the right of employees freely to organize and the
15 resultant refusal to accept the procedure of collective bargaining substantially and adversely affect
16 the interest of employees, other employers, and the public in general. This denial creates variations
17 and instability in competitive wage rates and working conditions within and between industries and
18 between employees and employers engaged in those industries, and by depressing the purchasing
19 power of wage earners and the profits of business, tends to:

1 (1) Produce and aggravate recurrent business depressions;
2 (2) Increase the disparity between production and consumption;
3 (3) Create unemployment with its attendant dangers to the health, peace and morale of the
4 people; and

5 (4) Increase public and private expenditures for relief of the needy and the unemployed.

6 (b) When some employers deny the right of employees to full freedom of association and
7 organization, and refuse to recognize the practice and procedure of collective bargaining, their
8 actions lead to strikes, lockouts, and other forms of industrial strife and unrest which are inimical
9 to the public safety and welfare, and frequently endanger the public health.

10 (c) Experience has proved that protection by law of the right of employees to organize and
11 bargain collectively removes certain recognized sources of industrial strife and unrest, encourages
12 practices fundamental to the friendly adjustment of industrial disputes arising out of differences as
13 to wages, hours, or other working conditions, and tends to restore equality of bargaining power
14 between and among employers and employees, thereby advancing the interests of employers as
15 well as employees.

16 (d) In the interpretation and application of this chapter and otherwise, it is declared to be
17 the public policy of the state to encourage the practice and procedure of collective bargaining, and
18 to protect employees, [when not already protected by the National Labor Relations Board, 29 U.S.C.](#)
19 [§§151-169](#) in the exercise of full freedom of association, self organization, and designation of
20 representatives of their own choosing for the purposes of collective bargaining, or other mutual aid
21 and protection, free from the interference, restraint, or coercion of their employers.

22 (e) All the provisions of this chapter shall be liberally construed for the accomplishment of
23 this purpose.

24 (f) This chapter shall be deemed an exercise of the police power of the state for the
25 protection of the public welfare, prosperity, health, and peace of the people of the state.

26 **28-7-3. Definitions.**

27 When used in this chapter:

28 (1) "Board" means the labor relations board created by § 28-7-4.

29 (2) "Company union" means any committee employee representation plan or association
30 of employees that exists for the purpose, in whole or in part, of dealing with employers concerning
31 grievances or terms and conditions of employment, that the employer has initiated or created or
32 whose initiation or creation he or she has suggested, participated in or in the formulation of whose
33 governing rules or policies or the conducting of whose management, operations, or elections the
34 employer participates in or supervises, or which the employer maintains, finances, controls,

1 dominates, or assists in maintaining or financing, whether by compensating any one for services
2 performed in its behalf or by donating free services, equipment, materials, office or meeting space
3 or anything else of value, or by any other means.

4 (3)(i) "Employees" includes, but is not restricted to, any individual employed by a labor
5 organization; any individual whose employment has ceased as a consequence of, or in connection
6 with, any current labor dispute or because of any unfair labor practice, and who has not obtained
7 any other regular and substantially equivalent employment; and shall not be limited to the
8 employees of a particular employer, unless the chapter explicitly states otherwise;

9 (ii) "Employees" does not include any individual employed by his or her parent or spouse
10 or in the domestic service of any person in his or her home, or any individuals employed only for
11 the duration of a labor dispute, or any individuals employed as farm laborers; provided that, any
12 individual employed by an employer in an industry established or regulated pursuant to chapters
13 28.6 or 28.11 of title 21 shall be an employee within the meaning of this chapter and shall not be
14 considered a farm laborer;

15 (iii) "Employee" specifically includes any teaching assistants, research assistants, fellows,
16 residential assistants and proctors who perform services for an employer in return for payment or
17 other compensation, notwithstanding whether the employee is a student, or the supervised teaching,
18 research, or other services are a component of their academic development.

19 (4) "Employer" includes any person acting on behalf of or in the interest of an employer,
20 directly or indirectly, with or without his or her knowledge, but a labor organization or any officer
21 or its agent shall only be considered an employer with respect to individuals employed by the
22 organization.

23 (5) "Labor dispute" includes, but is not restricted to, any controversy between employers
24 and employees or their representatives as defined in this section concerning terms, tenure, or
25 conditions of employment or concerning the association or representation of persons in negotiating,
26 fixing, maintaining, changing, or seeking to negotiate, fix, maintain, or change terms or conditions
27 of employment, or concerning the violation of any of the rights granted or affirmed by this chapter,
28 regardless of whether the disputants stand in the proximate relation of employer and employee.

29 (6) "Labor organization" means any organization that exists and is constituted for the
30 purpose, in whole or in part, of collective bargaining, or of dealing with employers concerning
31 grievances, terms or conditions of employment, or of other mutual aid or protection and which is
32 not a company union as defined in this section.

33 (7) "Person" includes one or more individuals, partnerships, associations, corporations,
34 legal representatives, trustees, trustees in bankruptcy, or receivers.

1 (8) “Policies of this chapter” means the policies set forth in § 28-7-2.

2 (9) “Representatives” includes a labor organization or an individual whether or not
3 employed by the employer of those whom he or she represents.

4 (10) “Unfair labor practice” means only those unfair labor practices listed in §§ 28-7-13
5 and 28-7-13.1.

6 **28-7-9. Rules and regulations.**

7 (a) The board shall have authority from time to time to make, amend, and rescind any rules
8 and regulations that may be necessary to carry out the provisions of this chapter including the
9 determination of the life of the selected representatives. The rules and regulations shall be effective
10 upon publication in the manner that the board prescribes.

11 (b) The rules and regulations for state and municipal employees shall include, but not be
12 limited to, the following:

13 (1) The board shall require a labor organization to submit cards of interest signed by at
14 least thirty percent (30%) of the employees in the appropriate bargaining unit indicating a desire to
15 be represented by the labor organization so designated. Cards of interest signed by at least twenty
16 percent (20%) of the employees in the appropriate bargaining unit shall be required to intervene.
17 The board shall certify the authenticity of all cards of interest submitted.

18 (2) The board shall not consider a petition for representation whenever it appears that a
19 collective bargaining agreement is in existence; provided, that the board may consider a petition
20 within a thirty-day (30) period immediately preceding sixty (60) days prior to the expiration date
21 of the collective bargaining agreement.

22 (3) A petition for unit clarification may be filed at any time with the board by:

23 (i) An exclusive bargaining agent;

24 (ii) The applicable municipality; or

25 (iii) The state where appropriate.

26 (4) In addition to the provisions of § 28-7-22, the board is empowered to order complete
27 relief upon a finding of any unfair labor practice.

28 (5) All charges of unfair labor practices and petitions for unit classification shall be
29 informally heard by the board within thirty (30) days upon receipt of the charges [or petitions](#).
30 Within sixty (60) days of the charges or petition the board shall hold a formal hearing. A final
31 decision shall be rendered by the board within sixty (60) days after the hearing on the charges or
32 petition is completed and a transcript of the hearing is received by the board.

33 [\(6\) The board shall establish standards for deferring a pending unfair labor practice charge](#)
34 [to allow for the grievance and arbitration process to move forward pursuant to the charging parties’](#)

1 [collective bargaining agreement.](#)

2 (c) Insofar as the provisions of this section are inconsistent with the provisions of chapter
3 11 of title 36 and chapter 9.4 of this title, the provisions of this section are controlling.

4 (d) The provisions of this section shall not be construed to prevent or limit the board or its
5 agents by direction of the board, consistent with published rules and regulations, from dismissing,
6 after investigation and informal hearings, the unfair labor practices charge. All unit classification
7 petitions shall receive a formal hearing if requested by either party. The board or its agents shall
8 maintain a written record of any dismissals.

9 [\(e\) The board shall promulgate the appropriate rules and regulations allowing for the](#)
10 [electronic filing of cards of interest, decertification signature cards, signature affirmation](#)
11 [documents, and designation of bargaining agent and waiver of right-to-vote forms.](#)

12 **28-7-21. Complaints of unfair practices — Parties to proceedings — Rules of**
13 **evidence.**

14 (a) Whenever a charge has been made that any employer or public sector employee
15 organization, as provided in § 28-7-13.1, has engaged in or is engaging in any unfair labor practice,
16 the board shall have the power to issue and cause to be served upon the party a complaint stating
17 those charges in that respect and containing a notice of a hearing before the board at a place fixed
18 in the complaint, to be held not less than seven (7) days after the serving of the complaint. Any
19 complaint may be amended by the board or its agent conducting the hearing at any time prior to the
20 issuance of an order based on the complaint. The person complained of shall have the right to file
21 an answer to the original or amended complaint within five (5) days after the service of the original
22 or amended complaint and to appear in person or otherwise to give testimony at the place and time
23 set in the complaint. In the discretion of a member or agent conducting the hearing, or of the board,
24 any other person may be allowed to intervene in the proceedings and to present testimony. In any
25 proceeding the board or its agent is not bound by technical rules of evidence prevailing in the courts.

26 [\(b\) The board shall have jurisdiction to issue a complaint and make a ruling on any unfair](#)
27 [labor practice charge, notwithstanding a pending grievance on the same or similar issue.](#)

28 **28-7-22. Testimony at hearing — Decision and orders.**

29 (a) The testimony shall be taken at the hearing and the board in its discretion may upon
30 notice take further testimony or hear argument. The testimony so taken or heard shall not be reduced
31 to writing unless an appeal is taken as provided in this chapter by an aggrieved party or unless a
32 transcript is required for proceedings in the superior court.

33 (b)(1) If upon all the testimony taken the board determines that the respondent has engaged
34 in or is engaging in any unfair labor practice, the board shall state its findings of fact and shall issue

1 and cause to be served on the respondent an order requiring the respondent to cease and desist from
2 the unfair labor practice, and to take any further affirmative or other action that will effectuate the
3 policies of this chapter, including, but not limited to:

4 (i) Withdrawal of recognition from and refraining from bargaining collectively with any
5 employee organization or association, agency, or plan defined in this chapter as a company union,
6 or established, maintained, or assisted by any action defined in this chapter as an unfair labor
7 practice;

8 (ii) Awarding of back pay;

9 (iii) Reinstatement with or without back pay of any employee discriminated against in
10 violation of § 28-7-13, or maintenance of a preferential list from which the employee shall be
11 returned to work; and

12 (iv) Reinstatement with or without back pay of all employees whose work has ceased or
13 whose return to work has been delayed or prevented as the result of the aforementioned or any other
14 unfair labor practice in respect to any employee or employees or maintenance of a preferential list
15 from which the employees shall be returned to work.

16 (2) The order may further require the person to ~~make~~ [file](#) reports from time to time, showing
17 the extent to which the order has been complied with.

18 (c) If upon all the testimony the board is of the opinion that the person or persons named
19 in the complaint have not engaged in or are not engaging in any unfair labor practice, the board
20 shall make its findings of fact and issue an order dismissing the complaint.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO LABOR AND LABOR RELATIONS -- LABOR RELATIONS ACT

- 1
- This act would expand the definition of "employee," and would clarify that the board has
- 2
- the right to defer a pending unfair labor practice charge to allow for the grievance and arbitration
- 3
- process to move forward pursuant to the charging parties collective bargaining agreement.
- 4
- This act would take effect upon passage.

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