

LC005054

IN GENERAL ASSEMBLY

RELATING TO LABOR AND LABOR RELATIONS -- WAREHOUSE WORKER
PROTECTION ACT

Referred To: Senate Labor & Gaming

1 SECTION 1. Title 28 of the General Laws entitled "LABOR AND LABOR RELATIONS"

2 is hereby amended by adding thereto the following chapter:

WAREHOUSE WORKER PROTECTION ACT

This chapter shall be known and may be cited as the "Warehouse Worker Protection Act".

As used in this chapter:

9 (1) "Defined time period" means any unit of time measurement equal to or less than the
10 duration of an employee's shift, and includes hours, minutes, and seconds and any fraction thereof.

11 (2) "Director" means director of the department of labor and training.

12 (3) "Department" means the department of labor and training.

13 (4) "Employee" means a nonexempt employee who works at a warehouse distribution
14 center.

15 (5)(i) "Employee work speed data" means information an employer collects, stores,
16 analyzes, or interprets relating to an individual employee's performance of a quota, including, but
17 not limited to, quantities of tasks performed, quantities of items or materials handled or produced,
18 rates or speeds of tasks performed, measurements or metrics of employee performance in relation

1 to a quota, and time categorized as performing tasks or not performing tasks.

2 (ii) "Employee work speed data" does not include qualitative performance assessments,
3 personnel records, or itemized wage statements, except for any content of those records that
4 includes employee work speed data, as defined in this definition.

5 (6) "Employer" means a person who directly or indirectly, or through an agent or any other
6 person, including through the services of a third-party employer, temporary service, or staffing
7 agency or similar entity, employs or exercises control over the wages, hours, or working conditions
8 of one hundred (100) or more employees at a single warehouse distribution center or one thousand
9 (1,000) or more employees at one or more warehouse distribution centers in the state.

10 (7) "Person" means an individual, corporation, partnership, limited partnership, limited
11 liability partnership, limited liability company, business trust, estate, trust, association, joint
12 venture, agency, instrumentality, or any other legal or commercial entity, whether domestic or
13 foreign.

14 (8) "Quota" means a work standard under which an employee is assigned or required to
15 perform at a specified productivity speed, or perform a quantified number of tasks, or to handle or
16 produce a quantified amount of material, within a defined time period and under which the
17 employee may suffer an adverse employment action, if the employee fails to complete the
18 performance standard.

19 (9)(i) "Warehouse distribution center" means an establishment as defined by any of the
20 following North American Industry Classification System (NAICS) Codes, however that
21 establishment is denominated:

22 (A) 493110 for General Warehousing and Storage.

23 (B) 423 for Merchant Wholesalers, Durable Goods.

24 (C) 424 for Merchant Wholesalers, Nondurable Goods.

25 (D) 454110 for Electronic Shopping and Mail-Order Houses.

26 **28-61-3. Disclosure of quotas.**

27 (a) Each employer shall provide to each employee, upon hire, a written description of each
28 quota to which the employee is subject, including the quantified number of tasks to be performed
29 or materials to be produced or handled, within the defined time period, and any potential adverse
30 employment action that could result from the failure to meet the quota. The requirement to disclose
31 also applies to any changes in the quota.

32 (b) Nothing in this section requires an employer to use quotas or monitor work speed data.
33 An employer that does not monitor this data, has no obligation to provide it.

34 **28-61-4. Meal and rest periods.**

1 An employee shall not be required to meet a quota that prevents compliance with meal or
2 rest periods, use of bathroom facilities, including reasonable travel time to and from bathroom
3 facilities, or occupational health and safety laws in the labor laws or department standards. An
4 employer shall not take adverse employment action against an employee for failure to meet a quota
5 that does not allow a worker to comply with meal and rest periods, use of bathroom facilities, or
6 occupational health and safety laws, labor laws, or for failure to meet a quota that has not been
7 disclosed to an employee.

8 **28-61-5. Employee information request.**

9 Employees may request from the employer the written description of the quota, and a copy
10 of the employee's own speed data as well as the aggregated work speed data for comparable
11 employees working in the facility.

12 **28-61-6. Unlawful retaliation.**

13 There shall be a rebuttable presumption of unlawful retaliation if an employer in any
14 manner discriminates, retaliates, or takes any adverse action against any employee because an
15 employee exercises their rights pursuant to this chapter.

16 **28-61-7. Severability.**

17 The provisions of this chapter are severable. If any provision or its application is held
18 invalid, that invalidity shall not affect other provisions or applications that can be given effect
19 without the invalid provision or application.

20 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 -- WAREHOUSE WORKER
PROTECTION ACT

1 This act would require employers to provide each employee, defined as a nonexempt
2 employee who works at a warehouse distribution center, upon hire, with a written description of
3 each quota to which the employee is subject, including the quantified number of tasks to be
4 performed or materials to be produced or handled, within the defined time period and any potential
5 adverse employment action that could result from failure to meet the quota.

6 This act would take effect upon passage.

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