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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS - MINIMUM WAGE

Introduced By: Representative John M. Carnevale

Date Introduced: May 09, 2012

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-12-4.1 of the General Laws in Chapter 28-12 entitled "Minimum
2 Wages" is hereby amended to read as follows:

3 **28-12-4.1. Overtime pay.** -- (a) Except as otherwise provided in this chapter, no
4 employer shall employ any employee for a workweek longer than forty (40) hours unless the
5 employee is compensated at a rate of one and one-half (1 1/2) times the regular rate at which he
6 or she is employed for all hours worked in excess of forty (40) hours per week. **Provided**
7 **however;** Notwithstanding the provisions of subdivision 28-12-4.3(a)(7) of this chapter,
8 employers that pay any delivery drivers or sales merchandisers an overtime rate of compensation
9 for hours worked in excess of forty (40) hours in any one week shall not calculate such overtime
10 rate of compensation by fluctuating workweek method of overtime payment under 29 C.F.R.
11 section 778.114.

12 (b) In any workweek in which an employee of a retail business is employed on a Sunday
13 and/or a holiday at a rate of one and one-half (1 1/2) times the regular rate at which he or she is
14 employed as provided in section 5-23-2, the hours worked on the Sunday and/or holiday shall be
15 excluded from the calculation of overtime pay as required by this section.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would provide that the overtime pay of delivery drivers or sales merchandisers
2 would be subject to subdivision 28-12-4.3(a)(7) which makes the driver or sales merchandiser
3 seek an hourly rate subject to the regulations of the United States Department of Transportation.

4 This act would take effect upon passage.

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