

2021 -- H 5403

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO HOLIDAYS AND DAYS OF SPECIAL OBSERVANCE -- WORK ON
HOLIDAYS AND SUNDAYS

Introduced By: Representatives Amore, Alzate, Fogarty, Lombardi, and Messier

Date Introduced: February 05, 2021

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 25-3-7 of the General Laws in Chapter 25-3 entitled "Work on
2 Holidays and Sundays" is hereby amended to read as follows:

3 **25-3-7. Exemptions.**

4 (a) Whenever in the opinion of the director any class of employers, either because of the
5 nature of their operations or their size, should be exempted from the provisions of this chapter, the
6 director may do so by regulations adopted in accordance with the provisions of § 25-3-6. [Said](#)
7 [regulations shall provide that an individual employer cannot qualify for the class exemption unless](#)
8 [it satisfies all of the criteria set forth in subsection \(b\) of this section.](#)

9 (b) An employer will not qualify for a class exemption unless it:

10 (1) Pays its employees at least two hundred percent (200%) of the regular state minimum
11 wage;

12 (2) Does not use temporary employment agencies to staff operations;

13 (3) Offers employer-funded health care benefits to employees as set forth in any regulations
14 promulgated by the director;

15 (4) Offers employer-funded retirement options to employees as set forth in any regulations
16 promulgated by the director;

17 (5) Has no federal labor law (e.g. NLRA, FLSA, OSHA, Davis Bacon) or state labor law
18 (e.g. wage and hour, prevailing wage) violations within the last ten (10) years as set forth in any

1 regulations promulgated by the director:

2 (6) Has no environmental law or regulation violations within the last ten (10) years;

3 (7) Has no violations of anti-discrimination laws (state or federal) within the last ten (10)

4 years;

5 (8) Has no settlements of alleged violations as set forth in subsections (b)(5), (b)(6) or

6 (b)(7) of this section, within the last ten (10) years.

7 (c) Any employer who qualifies, or who previously qualified, and therefore is approved by

8 the director for said exemption, must maintain compliance with the criteria set forth in subsection

9 (b) of this section in order to maintain such approved status.

10 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 HOLIDAYS AND DAYS OF SPECIAL OBSERVANCE -- WORK ON
HOLIDAYS AND SUNDAYS

1 This act would require an individual employer to meet certain criteria in order to qualify
2 for class exemption from the increased pay requirement for work on holidays and Sundays. An
3 employer will not qualify for class exemption unless it:

4 (1) Pays its employees at least two hundred percent (200%) of the regular state minimum
5 wage;

6 (2) Does not use temporary employment agencies to staff operations;

7 (3) Offers employer-funded health care benefits;

8 (4) Offers employer-funded retirement options;

9 (5) Has no federal labor law violations;

10 (6) Has no environmental law or regulation violations;

11 7) Has no violations of anti-discrimination laws; and

12 (8) Has no settlements of alleged violations of federal labor laws, environmental law or
13 regulation violations, or anti-discrimination laws.

14 This act would take effect upon passage.

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