

2021 -- H 6156

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LC002440
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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 LABOR AND LABOR RELATIONS - MINIMUM WAGES

Introduced By: Representatives Morgan, and Nardone

Date Introduced: March 24, 2021

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.**

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

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

15 (c) No city, town, or fire district shall employ any "firefighter," as defined in § 28-9.1-3,
16 excluding however civilian employees, for an average workweek longer than forty-two (42) hours
17 unless the firefighter is compensated at the rate of one and one-half (1 1/2) times his or her regular
18 rate, for all hours worked in excess of forty-two (42) hours based upon an average workweek. ~~An~~
19 ~~average workweek shall be calculated utilizing the prior consecutive eight week (8) period, based~~

1 ~~upon a seven-day (7) workweek. For the purposes of this section, "hours worked" shall include all~~
2 ~~paid leave.~~

3 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 LABOR AND LABOR RELATIONS - MINIMUM WAGES

1 This act would eliminate the provision requiring that "paid leave" be included in the
2 calculation of overtime pay.

3 This act would take effect upon passage.

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