

2025 -- H 5187

LC000633

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, 28-7-20, 28-7-21, 28-7-22 and 28-7-26 of
2 the General Laws in Chapter 28-7 entitled "Labor Relations Act" are hereby amended to read as
3 follows:

4 **28-7-2. Policy of chapter.**

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

1 power of wage earners and the profits of business, tends to:

2 (1) Produce and aggravate recurrent business depressions;

3 (2) Increase the disparity between production and consumption;

4 (3) Create unemployment with its attendant dangers to the health, peace and morale of the
5 people; and

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

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

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

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

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

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

27 **28-7-3. Definitions.**

28 When used in this chapter:

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

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

1 employer participates in or supervises, or which the employer maintains, finances, controls,
2 dominates, or assists in maintaining or financing, whether by compensating any one for services
3 performed in its behalf or by donating free services, equipment, materials, office or meeting space
4 or anything else of value, or by any other means.

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

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

16 (iii) "Employees" is further defined as any person who performs services for another, under
17 the other's control or right of control, and in return for payment or other compensation including,
18 but not limited to, students including teaching assistants, research assistants, fellows, residential
19 assistants and proctors who perform services for an employer, notwithstanding whether supervised
20 teaching, research or other services, are a component of their academic development;

21 (iv) "Right of control" means as the determination or ability to determine essential terms
22 and conditions of employment including, but not limited to, wages, benefits, and other
23 compensation; hours of work and scheduling; the assignment of duties to be performed; the
24 supervision of the performance of duties; work rules and directions governing the manner, means,
25 and methods of the performance of duties and the grounds for discipline; the tenure of employment,
26 including hiring and discharge; and working conditions, related to the safety and health of
27 employees.

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

32 (5) "Labor dispute" includes, but is not restricted to, any controversy between employers
33 and employees or their representatives as defined in this section concerning terms, tenure, or
34 conditions of employment or concerning the association or representation of persons in negotiating,

1 fixing, maintaining, changing, or seeking to negotiate, fix, maintain, or change terms or conditions
2 of employment, or concerning the violation of any of the rights granted or affirmed by this chapter,
3 regardless of whether the disputants stand in the proximate relation of employer and employee.

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

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

10 (8) "Policies of this chapter" means the policies set forth in § 28-7-2.

11 (9) "Representatives" includes a labor organization or an individual whether or not
12 employed by the employer of those whom he or she represents.

13 (10) "Unfair labor practice" means only those unfair labor practices listed in §§ 28-7-13
14 and 28-7-13.1.

15 **28-7-9. Rules and regulations.**

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

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

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

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

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

32 (i) An exclusive bargaining agent;

33 (ii) The applicable municipality; or

34 (iii) The state where appropriate.

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

3 (5) All ~~charges of unfair labor practices and~~ petitions for unit classification shall be
4 informally heard by the board within thirty (30) days upon receipt of the ~~charges~~ petitions. Within
5 sixty (60) days of the ~~charges or~~ petition the board shall hold a formal hearing. A final decision
6 shall be rendered by the board within sixty (60) days after the hearing on the ~~charges or~~ petition is
7 completed and a transcript of the hearing is received by the board.

8 (6) When an unfair labor practice charge is made, the administrator shall refer the matter
9 to an investigator.

10 (i) The investigator may issue an order dismissing the charge, deferring any charge which
11 is the subject of a pending grievance or arbitration, or recommending to the board that a complaint
12 issue and a hearing take place. Unless the charge is dismissed or deferred, the investigator shall
13 promptly meet with the parties, investigate whether settlement of the charge is possible, and clarify
14 and narrow the issues before the recommendation for a complaint is made to the board.

15 (ii) If the board issues a complaint and a hearing is ordered, the administrator shall set the
16 time and place for the hearing, which time and place may be changed by the administrator at the
17 request of one of the parties, for cause shown. Any party may file a motion to dismiss the complaint
18 or for a summary decision, prior to a hearing. At the hearing, which shall be presided over by a
19 hearing officer, the employer, the employee organization, or the person who is the subject of the
20 complaint shall have the right to appear in person or otherwise to defend against the complaint.

21 (iii) At the conclusion of the hearing, the hearing officer shall issue written findings of fact
22 and shall determine whether an unfair labor practice has been committed and, if so, shall issue an
23 order requiring the charged party to cease and desist from such unfair practice, and may take such
24 further affirmative action as will comply with the provisions of this section.

25 (iv) Any order issued pursuant to this section shall become final and binding unless, within
26 ten (10) days, after notice thereof, any party requests a review by the board. A review may be made
27 upon the record, which shall consist of the pleadings, motions, rulings, and the testimony taken at
28 the hearing, if any, or upon such portions of the record, as the parties may designate.

29 (v) Upon any complaint made under this section and a petition filed by one or more parties
30 to the proceeding, the board, in its discretion and for good cause shown, may order that the hearing
31 be conducted by the board itself.

32 (vi) At the conclusion of that hearing, the board shall issue written findings of fact and shall
33 determine whether an unfair labor practice has been committed and, if so, shall issue an order
34 requiring the charged party to cease and desist from such unfair practice, and may take such further

1 [affirmative action it deems appropriate to comply with the provisions of this section.](#)

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 [\(7\) The board shall establish standards for deferring a pending unfair labor practice charge](#)
10 [to grievance and arbitration procedures in the charging parties' collective bargaining agreement.](#)

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

14 **28-7-20. Power of board to prevent unfair practices.**

15 [\(a\)](#) The board is empowered and directed, as provided in this chapter, to prevent any
16 employer, or public sector employee organization as provided in § 28-7-13.1, from engaging in any
17 unfair labor practice. This power shall not be affected or impaired by any means of adjustment,
18 mediation, or conciliation in labor disputes that have been or may be established by law.

19 [\(b\) The board shall develop a procedure for an employer or an employee organization to](#)
20 [request temporary injunctive relief pending a determination of an unfair labor practice. The board](#)
21 [shall have the ability to issue injunctive relief and enforce any such order, as provided in § 28-7-](#)
22 [26.](#)

23 [\(c\)\(1\) Upon a finding by the board that the employer has committed an unfair labor](#)
24 [practice, the employer shall be subject to a civil penalty of up to one thousand dollars \(\\$1,000\) per](#)
25 [each affected bargaining unit member, not to exceed one hundred thousand dollars \(\\$100,000\) in](#)
26 [total, which shall be deposited in the general fund.](#)

27 [\(2\) The board shall apply the following criteria when assessing a civil penalty pursuant to](#)
28 [subsection \(c\)\(1\) of this section:](#)

- 29 [\(i\) The employer's annual budget;](#)
- 30 [\(ii\) The severity of the violation; and](#)
- 31 [\(iii\) Any prior history of violations by the employer.](#)

32 **28-7-21. Complaints of unfair practices — Parties to proceedings — Rules of**
33 **evidence.**

34 [\(a\)](#) Whenever a charge has been made that any employer or public sector employee

1 organization, as provided in § 28-7-13.1, has engaged in or is engaging in any unfair labor practice,
2 the board shall have the power to issue and cause to be served upon the party a complaint stating
3 those charges in that respect and containing a notice of a hearing before the board at a place fixed
4 in the complaint, to be held not less than seven (7) days after the serving of the complaint. Any
5 complaint may be amended by the board or its agent conducting the hearing at any time prior to the
6 issuance of an order based on the complaint. The person complained of shall have the right to file
7 an answer to the original or amended complaint within five (5) days after the service of the original
8 or amended complaint and to appear in person or otherwise to give testimony at the place and time
9 set in the complaint. In the discretion of a member or agent conducting the hearing, or of the board,
10 any other person may be allowed to intervene in the proceedings and to present testimony. In any
11 proceeding the board or its agent is not bound by technical rules of evidence prevailing in the courts.

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

14 **28-7-22. Testimony at hearing — Decision and orders.**

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

19 (b)(1) If upon all the testimony taken the board determines that the respondent has engaged
20 in or is engaging in any unfair labor practice, the board shall state its findings of fact and shall issue
21 and cause to be served on the respondent an order requiring the respondent to cease and desist from
22 the unfair labor practice, and to take any further affirmative or other action that will effectuate the
23 policies of this chapter, including, but not limited to:

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

28 (ii) Awarding of back pay, [including interest](#);

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

32 (iv) Reinstatement with or without back pay of all employees whose work has ceased or
33 whose return to work has been delayed or prevented as the result of the aforementioned or any other
34 unfair labor practice in respect to any employee or employees or maintenance of a preferential list

1 from which the employees shall be returned to work; and

2 (v) Awarding of attorneys' fees and costs to the prevailing party as part of a make-whole
3 remedy.

4 (2) The order may further require the person to make file reports from time to time, showing
5 the extent to which the order has been complied with.

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

9 **28-7-26. Judicial enforcement of orders.**

10 (a) The board shall have the power to petition the superior court of the state within the
11 county where the unfair labor practice in question occurred or where any person charged with the
12 unfair labor practice resides or transacts business. If that court is on vacation or in recess, then the
13 board may petition to the superior court of any county adjoining the county where the unfair labor
14 practice in question occurred or where any person charged with the unfair labor practice resides or
15 transacts business, for the enforcement of the order and for appropriate temporary relief or
16 restraining order. The board shall certify and file in the court a transcript of the entire record in the
17 proceeding, including the pleadings and testimony upon which the order was made and the findings
18 and order of the board.

19 (b) Upon the filing, the court shall cause notice of the filing to be served on the person, and
20 at that time shall have jurisdiction of the proceeding and of the question determined in the
21 proceeding. The court shall have the power to grant any temporary relief or restraining order that
22 it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set
23 forth in the transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside,
24 in whole or in part, the order of the board.

25 (c) If the board initiates proceedings with the superior court to enforce or achieve
26 compliance with a board order issued pursuant to this section or is required to defend a decision by
27 the board involving this section after an employer seeks judicial review, the court shall award the
28 board attorneys' fees and costs, if it is the prevailing party.

29 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". It would also modify how the state's
- 2 labor relations board operates and aids in enforcement of the board's orders.
- 3 This act would take effect upon passage.

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