

2019 -- H 5892

=====
LC001240
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

—————
A N A C T

RELATING TO HOLIDAYS AND DAYS OF SPECIAL OBSERVANCE

Introduced By: Representatives Edwards, Kennedy, Casimiro, Cortvriend, and Cassar

Date Introduced: March 22, 2019

Referred To: House Labor

It is enacted by the General Assembly as follows:

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

3 **25-3-1. Definitions.**

4 As used in this chapter:

5 (1) "Director" means the director of the department of labor and training;

6 (2) "Economic necessity" means and refers to any case where the director determines
7 that:

8 (i) Both the economics and technology of manufacture of the product or a component of
9 the product requires continuous conversion or processing of raw materials, intermediates, or
10 components without interruption to avoid disproportionate loss of production capacity;

11 (ii) The economics and technology of data processing requires the continuous operation
12 of data processing equipment to avoid deterioration of equipment or a disproportionate loss of
13 computer capacity or where customer requirements are that data processing equipment must be
14 available for input or output on a continuous basis;

15 (iii) Because prevailing industry practice in the manufacturing or processing of the
16 product or in the provision of banking or financial services is to operate facilities within that
17 industry seven (7) days per week, the failure to operate on one or more Sundays or holidays will
18 subject the employer to a competitive hardship within the industry in which the employer
19 competes;

1 (iv) Maintenance or improvement of plant or equipment cannot practically or efficiently
2 be performed while production is in process;

3 (v) The scheduling of production on Sundays or holidays is necessitated by interrupted or
4 allocated energy supplies, or shortages of raw materials or component parts;

5 (vi) An employer has been deprived of its normal production schedule by fire, flood,
6 power failure, or other circumstances beyond its control; or

7 (vii) Circumstances, temporary in nature, are that undue economic hardship would result
8 from the inability to operate on one or more Sundays or holidays;

9 (3) "Employee" means any individual employed by an employer, but shall not include:

10 (i) Any individual employed in agriculture or maritime trades, including commercial
11 fishing or boat repairs;

12 (ii) Any physician, dentist, attorney at law, or accountant;

13 (iii) Any individual engaged in the provision of health care or maintenance;

14 (iv) Any individual employed in a [food service establishment, which shall include a](#)
15 [restaurant, caterer licensed by the department of health and the division of taxation, food truck,](#)
16 [hotel, motel, summer camp, resort, or other recreational facility \(except health clubs\);](#)

17 (v) Any individual employed in the business of offshore petroleum or gas exploration or
18 extraction, or in the business of servicing or supplying persons engaged in exploration or
19 extraction;

20 (vi) Supervisory employees as defined in 29 U.S.C. § 213(a)(1) and regulations issued
21 pursuant to that section;

22 (vii) Any individual employed by an employer holding a license issued pursuant to
23 chapter 23 of title 5; or

24 (viii) Any individual employed as part of a telephonic delivery of customer service, sales
25 operations, and ancillary services related to those services and operations, except for specific
26 employment positions in the telecommunications industry that are part of any collective
27 bargaining agreement or employment contract in effect on July 2, 1998.

28 (4) "Employer" means any natural person, partnership, firm, corporation, or other
29 enterprise engaged in industry, transportation, communication, or any other commercial
30 occupation involving one or more employees; and

31 (5) "Holidays" means Sunday, New Year's Day, Memorial Day, July 4th, Victory Day,
32 Labor Day, Columbus Day, Veterans' Day, Thanksgiving, and Christmas; provided, that as it
33 pertains to all offices of state and municipal government, the term "holiday" includes in addition
34 to the holidays enumerated in this subdivision, Dr. Martin Luther King, Jr.'s Birthday, as defined

1 in § 25-2-18.

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

=====
LC001240
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HOLIDAYS AND DAYS OF SPECIAL OBSERVANCE

- 1 This act would expand the definition of "employee" to add any individual employed in a
- 2 food service establishment, which would include a caterer licensed by the department of health
- 3 and division of taxation, and a food truck.
- 4 This act would take effect upon passage.

=====
LC001240
=====