

2019 -- S 0747

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LC001824  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS - MINIMUM WAGES

Introduced By: Senators Lombardi, Ciccone, Gallo, Lynch Prata, and Ruggerio

Date Introduced: April 03, 2019

Referred To: Senate 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  
8 or sales merchandisers an overtime rate of compensation for hours worked in excess of forty (40)  
9 hours in any one week shall not calculate such 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 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  
13 employed as provided in § 5-23-2, the hours worked on the Sunday and/or holiday 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  
18 regular rate, for all hours worked in excess of forty-two (42) hours based upon an average  
19 workweek. An average workweek shall be calculated utilizing the prior consecutive eight (8)

1 [week period, based upon a seven \(7\) day workweek. For the purposes of this section, "hours](#)  
2 [worked" shall include all paid leave.](#)

3 SECTION 2. This act shall take effect upon passage, except that the terms of current  
4 firefighters' collective bargaining agreement that conflict with this act shall remain in effect until  
5 the contract expires when the act shall begin to apply to those covered firefighters.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would remove the overtime exemption for firefighters unless they are paid at the  
2 rate of one and one-half (1 1/2) times their regular rate for all hours worked in excess of forty-two  
3 (42) hours.

4           This act would take effect upon passage, except that the terms of current firefighters'  
5 collective bargaining agreement that conflict with this act would remain in effect until the  
6 contract expires when the act would begin to apply to those covered firefighters.

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