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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2005**

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A N A C T

RELATING TO LABOR RELATIONS -- PUBLIC EMPLOYEES

Introduced By: Senators Bates, and Breene

Date Introduced: February 10, 2005

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 28-7-3 of the General Laws in Chapter 28-7 entitled "Labor  
2 Relations Act" is hereby amended to read as follows:

3           **28-7-3. Definitions.** -- When used in this chapter:

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

5           (2) "Company union" means any committee employee representation plan or association  
6 of employees which exists for the purpose, in whole or in part, of dealing with employers  
7 concerning grievances or terms and conditions of employment, which the employer has initiated  
8 or created or whose initiation or creation he or she has suggested, participated in or in the  
9 formulation of whose governing rules or policies or the conducting of whose management,  
10 operations, or elections the employer participates in or supervises, or which the employer  
11 maintains, finances, controls, dominates, or assists in maintaining or financing, whether by  
12 compensating any one for services performed in its behalf or by donating free services,  
13 equipment, materials, office or meeting space or any thing else of value, or by any other means.

14           (3) (i) "Employees" includes, but is not restricted to, any individual employed by a labor  
15 organization; any individual whose employment has ceased as a consequence of, or in connection  
16 with, any current labor dispute or because of any unfair labor practice, and who has not obtained  
17 any other regular and substantially equivalent employment; and shall not be limited to the  
18 employees of a particular employer, unless the chapter explicitly states otherwise; The term  
19 "Employee" within state service shall refer only to a person duly appointed to a position that is

1 created in accordance with the statutory provisions of the classified service, or the unclassified  
2 service, or the nonclassified service. Unless duly appointed, persons who are licensed, or  
3 regulated, or certified by any federal, state, or municipal governmental entity, or who are  
4 providing services under contract to the state of Rhode Island as a result of being so licensed,  
5 regulated or certified or under contract. Further, and unless specifically provided otherwise by  
6 statute, the term shall not include persons who are employed by a quasi-public corporation.

7 (ii) "Employees" does not include any individual employed by his or her parent or  
8 spouse or in the domestic service of any person in his or her home, or any individuals employed  
9 only for the duration of a labor dispute, or any individuals employed as farm laborers.

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

14 (5) "Labor dispute" includes, but is not restricted to, any controversy between employers  
15 and employees or their representatives as defined in this section concerning terms, tenure, or  
16 conditions of employment or concerning the association or representation of persons in  
17 negotiating, fixing, maintaining, changing, or seeking to negotiate, fix, maintain, or change terms  
18 or conditions of employment, or concerning the violation of any of the rights granted or affirmed  
19 by this chapter, regardless of whether the disputants stand in the proximate relation of employer  
20 and employee.

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

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

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

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

30 (10) "Unfair labor practice" means only those unfair labor practices listed in sections 28-  
31 7-13 and 28-7-13.1.

32 SECTION 2. Chapter 36-4 of the General Laws entitled "Merit System" is hereby  
33 amended by adding thereto the following section:

34 **36-4-1.1. Definition.** – The term "employee" within state service shall refer only to a

1 person duly appointed to a position that is created in accordance with the statutory provisions of  
2 the classified service, or the unclassified service, or the nonclassified service. Unless duly  
3 appointed, persons who are licensed, or regulated, or certified by any federal, state, or municipal  
4 governmental entity, or who are providing services under contract to the state of Rhode Island  
5 shall not be deemed employees as a result of being so licensed, regulated or certified or under  
6 contract. Further, and unless specifically provided otherwise by statute, the term shall not include  
7 persons who are employed by a quasi-public corporation.

8 SECTION 3. Section 36-11-1.1 of the General Laws in Chapter 36-11 entitled  
9 "Organization of State Employees" is hereby amended to read as follows:

10 **36-11-1.1. Definitions.** -- The following terms as used in this chapter shall have the  
11 following meaning:

12 (1) "Casual employees" shall mean those persons hired for an occasional period to  
13 perform special jobs or functions not necessarily related to the work performed by the regular  
14 employees in the collective bargaining unit.

15 (2) "Seasonal employees" shall mean those persons employed in positions which are part  
16 of an annual job employment program.

17 (3) "Employee" within state service shall refer only to a person duly appointed to a  
18 position that is created in accordance with the statutory provisions of the classified service, or the  
19 unclassified service, or the nonclassified service. Unless duly appointed, persons who are  
20 licensed, or regulated, or certified by any federal, state, or municipal governmental entity, or who  
21 are providing services under contract to the state of Rhode Island shall not be deemed employees  
22 as a result of being so licensed, regulated or certified or under contract. Further, and unless  
23 specifically provided otherwise by statute, the term shall not include persons who are employed  
24 by a quasi-public corporation.

25 SECTION 4. 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 RELATIONS -- PUBLIC EMPLOYEES

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- 1           This act would create a new definition of the term "employee" for purposes of the Labor
- 2   Relations Act, Merit System and Collective Bargaining.
- 3           This act would take effect upon passage.

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