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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO HOLIDAYS AND DAYS OF SPECIAL OBSERVANCE - WORK ON
HOLIDAYS AND SUNDAYS

Introduced By: Representative J. Aaron Regunberg

Date Introduced: January 28, 2016

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 25-3-1 and 25-3-7 of the General Laws in Chapter 25-3 entitled
2 "Work on Holidays and Sundays" are hereby amended to read as follows:

3 **25-3-1. Definitions.** -- As used in this chapter:

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

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

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

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

14 (iii) Because prevailing industry practice in the manufacturing or processing of the
15 product or in the provision of banking or financial services is to operate facilities within that
16 industry seven (7) days per week, the failure to operate on one or more Sundays or holidays will
17 subject the employer to a competitive hardship within the industry in which the employer
18 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
4 or 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; provided;
14 however, that any individual employed in a medical office or any medical entity created for the
15 purpose of operating a dental or medical healthcare practice other than hospitals, shall be
16 considered an employee subject to the provisions of this chapter;
- 17 (iv) Any individual employed in a restaurant, hotel, motel, summer camp, resort, or other
18 recreational facility (except health clubs);
- 19 (v) Any individual employed in the business of offshore petroleum or gas exploration or
20 extraction, or in the business of servicing or supplying persons engaged in exploration or
21 extraction;
- 22 (vi) Supervisory employees as defined in 29 U.S.C. § 213(a)(1) and regulations issued
23 pursuant to that section;
- 24 (vii) Any individual employed by an employer holding a license issued pursuant to
25 chapter 23 of title 5; or
- 26 (viii) Any individual employed as part of a telephonic delivery of customer service, sales
27 operations, and ancillary services related to those services and operations, except for specific
28 employment positions in the telecommunications industry that are part of any collective
29 bargaining agreement or employment contract in effect on July 2, 1998.
- 30 (4) "Employer" means any natural person, partnership, firm, corporation, or other
31 enterprise engaged in industry, transportation, communication, or any other commercial
32 occupation involving one or more employees; and
- 33 (5) "Holidays" means Sunday, New Year's Day, Memorial Day, July 4th, Victory Day,
34 Labor Day, Columbus Day, Veterans' Day, Thanksgiving, and Christmas; provided, that as it

1 pertains to all offices of state and municipal government, the term "holiday" includes in addition
2 to the holidays enumerated in this subdivision, Dr. Martin Luther King, Jr.'s Birthday, as defined
3 in § 25-2-18.

4 **25-3-7. Exemptions.** -- Whenever in the opinion of the director any class of employers,
5 either because of the nature of their operations or their size, should be exempted from the
6 provisions of this chapter, the director may do so by regulations adopted in accordance with the
7 provisions of § 25-3-6; [however, the director may not grant an exemption for those individuals in](#)
8 [the operation of a private medical or dental practice as set forth in §25-3-1.](#)

9 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 HOLIDAYS AND DAYS OF SPECIAL OBSERVANCE - WORK ON
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1 This act would provide that any individual employed in any medical entity created for the
2 purpose of operating a medical or dental healthcare practice, other than hospitals, would be
3 subject to the wage requirements for work on Sundays and holidays. The act would also prohibit
4 the director of the department of labor from exempting these persons from the provisions of this
5 chapter.

6 This act would take effect upon passage.

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