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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO HOLIDAYS AND DAYS OF SPECIAL OBSERVANCE -- HOLIDAY AND
SUNDAY WORK

Introduced By: Senator Ana B. Quezada

Date Introduced: February 25, 2021

Referred To: Senate 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 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 of
11 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 product
15 or in the provision of banking or financial services is to operate facilities within that industry seven
16 (7) days per week, the failure to operate on one or more Sundays or holidays will subject the
17 employer to a competitive hardship within the industry in which the employer competes;

18 (iv) Maintenance or improvement of plant or equipment cannot practically or efficiently

1 be performed while production is in process;

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

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

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

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

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

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

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

13 (iv) Any individual employed in a restaurant, hotel, motel, summer camp, resort, or other
14 recreational facility (except health clubs);

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

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

19 (vii) Any individual employed by an employer holding a license issued pursuant to chapter
20 23 of title 5; or

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

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

28 (5) "Holidays" means Sunday, New Year's Day, Memorial Day, July 4th, Victory Day,
29 Labor Day, Columbus Day, Veterans' Day, Thanksgiving, and Christmas; provided, that as it
30 pertains to all offices of state and municipal government, the term "holiday" includes in addition to
31 the holidays enumerated in this subdivision, Dr. Martin Luther King, Jr.'s Birthday, as defined in §
32 25-2-18.

1 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 -- HOLIDAY AND
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1 This act would, for purposes of overtime pay on Sundays and holidays, remove health care
2 and maintenance workers from the definition of employees not entitled to overtime pay, thereby
3 enabling them to collect overtime pay.

4 This act would take effect upon passage.

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