

2023 -- H 5380 SUBSTITUTE A

LC000780/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO HOLIDAYS AND DAYS OF SPECIAL OBSERVANCE -- HOLIDAYS

Introduced By: Representatives Henries, Stewart, Alzate, Hull, Abney, Felix, Biah, Boylan, Cruz, and Kazarian

Date Introduced: February 03, 2023

Referred To: House Special Legislation

It is enacted by the General Assembly as follows:

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

3 **25-1-1. General holidays enumerated.**

4 The first day of January or, in the event that day is a Saturday or Sunday, then state
5 employees will celebrate the holiday on the following Monday (as New Year's Day), the third
6 Monday of January (as Dr. Martin Luther King, Jr.'s Birthday), the third Monday of February (as
7 Washington's Birthday), the fourth day of May (as Rhode Island Independence Day), the last
8 Monday of May (as Memorial Day), the nineteenth day of June or, in the event that day is a
9 Saturday or Sunday, then state employees will celebrate the holiday on the following Monday (as
10 Juneteenth National Freedom Day), the fourth day of July or, in the event that day is a Saturday or
11 Sunday, then state employees will celebrate the holiday on the following Monday (as Independence
12 Day), the second Monday of August (as Victory Day), the first Monday of September (as Labor
13 Day), the second Monday of October (as Columbus Day), the eleventh day of November or, in the
14 event that day is a Saturday or Sunday, then state employees will celebrate the holiday on the
15 following Monday (as Veterans' Day), the twenty-fifth day of December, or in the event that day
16 is a Saturday or Sunday, then state employees will celebrate the holiday on the following Monday
17 (as Christmas Day), and each of the above days in every year, or when either of the above days
18 falls on the first day of the week, then the day following it, the Tuesday next after the first Monday
19 in November in each year in which a general election of state officers is held (as election day), the

1 first day of every week (commonly called Sunday), and any other days as the governor or general
2 assembly of this state or the president or the congress of the United States shall appoint as holidays
3 for any purpose, days of thanksgiving, or days of solemn fast, shall be holidays.

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

6 **25-3-1. Definitions.**

7 As used in this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (iv) Any individual employed in a restaurant, hotel, motel, summer camp, resort, or other

1 recreational facility (except health clubs);

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

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

6 (vii) Any individual employed by an employer holding a license issued pursuant to chapter
7 23 of title 5; or

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

12 (4) “Employer” means any natural person, partnership, firm, corporation, or other
13 enterprise engaged in industry, transportation, communication, or any other commercial occupation
14 involving one or more employees; and

15 (5) “Holidays” means Sunday, New Year’s Day, Memorial Day, [Juneteenth National](#)
16 [Freedom Day](#), July 4th, Victory Day, Labor Day, Columbus Day, Veterans’ Day, Thanksgiving,
17 and Christmas; provided, that as it pertains to all offices of state and municipal government, the
18 term “holiday” includes in addition to the holidays enumerated in this subdivision, Dr. Martin
19 Luther King, Jr.’s Birthday, as defined in § 25-2-18.

20 SECTION 3. This act shall take effect on January 1, 2024.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO HOLIDAYS AND DAYS OF SPECIAL OBSERVANCE -- HOLIDAYS

1 This act would establish June 19th as a state holiday, to be known as “Juneteenth National
2 Freedom Day”.

3 This act would take effect on January 1, 2024.

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