

2024 -- H 7458

LC004077

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- FAIR EMPLOYMENT PRACTICES

Introduced By: Representatives Tanzi, Boylan, Spears, Felix, Morales, Ajello, Potter,
Cruz, Henries, and Cotter

Date Introduced: February 02, 2024

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-5-6 of the General Laws in Chapter 28-5 entitled "Fair
2 Employment Practices" is hereby amended to read as follows:

3 **28-5-6. Definitions.**

4 When used in this chapter:

5 (1) "Age" means anyone who is at least forty (40) years of age.

6 (2) "Because of sex" or "on the basis of sex" includes, but is not limited to, because of or
7 on the basis of pregnancy, childbirth, or related medical conditions, and women affected by
8 pregnancy, childbirth, or related medical conditions shall be treated the same for all employment
9 related purposes, including receipt of benefits under fringe benefit programs, as other persons not
10 so affected but similar in their ability or inability to work, and nothing in this chapter shall be
11 interpreted to permit otherwise.

12 (3) "Commission" means the Rhode Island commission against discrimination created by
13 this chapter.

14 (4) "Confidential" means to remain secret and not to be disclosed to another person or
15 entity.

16 (5) "Conviction" means, for the purposes of this chapter only, any verdict or finding of
17 guilt after a criminal trial or any plea of guilty or nolo contendere to a criminal charge.

18 (6) "Disability" means a disability as defined in § 42-87-1.

19 (7) "Discriminate" includes segregate or separate.

1 (8) "Employee" ~~does not include any individual employed by his or her parents, spouse, or~~
2 ~~child, or in the domestic service of any person~~ includes any individual under the direction and
3 control of an employer under any appointment or contract of hire or apprenticeship, express or
4 implied, oral or written. "Employee" for purposes of this section shall include volunteers and unpaid
5 interns. "Employee" does not include any individual employed by their parents, by their spouse, or
6 by their child.

7 (9)(i) "Employer" includes the state and all political subdivisions of the state and any
8 person in this state employing ~~four (4)~~ one or more individuals, and any person acting in the interest
9 of an employer directly or indirectly.

10 (ii) Nothing in this subdivision shall be construed to apply to a religious corporation,
11 association, educational institution, or society with respect to the employment of individuals of its
12 religion to perform work connected with the carrying on of its activities.

13 (10) "Employment agency" includes any person undertaking, with or without
14 compensation, to procure opportunities to work, or to procure, recruit, refer, or place employees.

15 (11) "Firefighter" means an employee the duties of whose position include work connected
16 with the control and extinguishment of fires or the maintenance and use of firefighting apparatus
17 and equipment, including an employee engaged in this activity who is transferred or promoted to a
18 supervisory or administrative position.

19 (12) "Gender identity or expression" includes a person's actual or perceived gender, as
20 well as a person's gender identity, gender-related self image, gender-related appearance, or gender-
21 related expression; whether or not that gender identity, gender-related self image, gender-related
22 appearance, or gender-related expression is different from that traditionally associated with the
23 person's sex at birth.

24 (13) "Labor organization" includes any organization that exists for the purpose, in whole
25 or in part, of collective bargaining or of dealing with employers concerning grievances, terms or
26 conditions of employment, or of other mutual aid or protection in relation to employment.

27 (14) "Law enforcement officer" means an employee the duties of whose position include
28 investigation, apprehension, or detention of individuals suspected or convicted of offenses against
29 the criminal laws of the state, including an employee engaged in such activity who is transferred or
30 promoted to a supervisory or administrative position. For the purpose of this subdivision,
31 "detention" includes the duties of employees assigned to guard individuals incarcerated in any
32 penal institution.

33 (15) "Non-disparagement agreement" means an agreement which restricts an individual
34 from taking any action to include, but not be limited to, speaking or publicizing information that

1 negatively impacts the other party to the agreement to include the reputation, products, services,
2 employees, and management of the protected party.

3 (16) "Person" includes one or more individuals, partnerships, associations, organizations,
4 corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

5 (17) "Religion" includes all aspects of religious observance and practice, as well as belief,
6 unless an employer, union, or employment agency demonstrates that it is unable to reasonably
7 accommodate to an employee's or prospective employee's or union member's religious observance
8 or practice without undue hardship on the conduct of its business.

9 (18) "Sexual orientation" means having or being perceived as having an orientation for
10 heterosexuality, bisexuality, or homosexuality.

11 (19) The terms, as used regarding persons with disabilities:

12 (i) "Auxiliary aids and services" and "reasonable accommodation" shall have the same
13 meaning as those items are defined in § 42-87-1.1; and

14 (ii) "Hardship" means an "undue hardship" as defined in § 42-87-1.1.

15 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would broaden the definition of "employee" for purposes of the fair employment
2 practices, to include individuals under any appointment or contract of hire or apprenticeship, or any
3 volunteer or unpaid intern. It would also expand the definition of employer by decreasing from four
4 (4) to one the number of individuals required to be employed by the state, political subdivisions, or
5 any person so as to trigger the designation of "employer". The act also removes "any individual in
6 the domestic service of any person" from the list of individuals excluded from the definition of
7 employee.

8 This act would take effect upon passage.

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