

2024 -- H 7581

LC004931

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- CORRECTIONS STAFFING

Introduced By: Representatives Corvese, Noret, Azzinaro, Phillips, J. Brien, McNamara, Hull, Kennedy, Casey, and Solomon

Date Introduced: February 09, 2024

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 56.4

4 CORRECTIONS STAFFING

5 **42-56.4-1. Purpose.**

6 It is declared to be the public policy of this state to establish a maximum workday for
7 certain hourly wage employees as defined herein, beyond which the employees cannot be required
8 to perform overtime work, in order to safeguard their health, efficiency, and general well-being, as
9 well as the health and general well-being of the persons to whom these employees provide care,
10 custody and control.

11 **42-56.4-2. Definitions.**

12 As used in this chapter:

13 (1) "Employee" means peace officers employed by the state as defined in § 12-7-21.

14 (2) "Employer" means the State of Rhode Island department of corrections;

15 (3) "Reasonable efforts" means that the employer shall:

16 (i) Seek persons who volunteer to work extra time from all available qualified staff who
17 are working at the time of the unforeseeable emergent circumstance; and

18 (ii) Contact all qualified employees who have made themselves available to work extra
19 time;

1 (4) "Regular hourly wage" means the amount that an employee is regularly paid for each
2 hour of work as determined by dividing the total hours of work during the week into the employee's
3 total earnings for the week, exclusive of pay for overtime work;

4 (5) "Unforeseeable emergent circumstance" means an unpredictable occurrence relating to
5 Rhode Island department of corrections that requires immediate action, and which shall include a
6 riot or disturbance in the existing facilities.

7 **42-56.4-3. Overtime requirement.**

8 (a) The state shall not require an employee to accept work in excess of an agreed to,
9 predetermined scheduled work shift of eight (8) hours or ten (10) hours for employees holding the
10 title of correctional officer steward.

11 (b) The state shall not require an employee to work overtime in excess of an agreed to,
12 predetermined scheduled work shift of eight (8) hours or ten (10) hours for employees holding the
13 title of correctional officer steward, except in an unforeseeable emergent circumstance. The refusal
14 of any employee to accept such overtime work shall not be grounds for discrimination, dismissal,
15 discharge, or any other penalty or employment decision adverse to the employee.

16 (c) Nothing in this chapter shall be construed to limit voluntary overtime in excess of an
17 agreed to, predetermined scheduled work shift of either eight (8) hours for employees or ten (10)
18 hours for employees holding the title of correctional officer steward.

19 (d) The provisions of this section shall not apply in the case of an unforeseeable emergent
20 circumstance when:

21 (1) The overtime is required only as a last resort and is not used to fill vacancies resulting
22 from chronic short staffing; and

23 (2) The employer has exhausted reasonable efforts to obtain staffing.

24 (e) The requirement that the employer shall exhaust reasonable efforts to obtain staffing
25 shall not apply in the event of any declared national, state or municipal emergency or a disaster or
26 other catastrophic event which substantially affects or increases the need for employees as defined
27 by this chapter.

28 **42-56.4-4. Penalty for violations.**

29 If the state violates or fails to comply with any of the provisions of this chapter it shall be
30 required to pay the employee required to work at a rate of double time and half of their normal
31 salary.

32 **42-56.4-5. Collective bargaining agreements.**

33 The provisions of this chapter shall not negate any employee rights or benefits now existing
34 or later accrued under the applicable collective bargaining agreement.

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42-56.4-6. Severability.

If any provision of this chapter, or the application of any provision to any person or circumstance, is held invalid, the remainder of the chapter and the application of the provision to other persons or circumstances are not affected by the invalidity.

SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- CORRECTIONS STAFFING

- 1 This act would establish parameters for staffing of correctional officers.
- 2 This act would take effect upon passage.

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