

2010 -- H 7323

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO LABOR AND LABOR RELATIONS – OVERTIME CALCULATION

Introduced By: Representatives Carnevale, Almeida, DeSimone, and Slater

Date Introduced: February 02, 2010

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-12-4.1 of the General Laws in Chapter 28-12 entitled "Minimum
2 Wages" is hereby amended to read as follows:

3 **28-12-4.1. Overtime pay.** -- (a) Except as otherwise provided in this chapter, no
4 employer shall employ any employee for a workweek longer than forty (40) hours unless the
5 employee is compensated at a rate of one and one-half (1 1/2) times the regular rate at which he
6 or she is employed for all hours worked in excess of forty (40) hours per week. Provided
7 however, employers that pay any delivery drivers or sales merchandisers an overtime rate of
8 compensation for hours worked in excess of forty (40) hours in any one week shall not calculate
9 such overtime rate of compensation by fluctuating workweek method of overtime payment under
10 29 C.F.R. section 778.114.

11 (b) In any workweek in which an employee of a retail business is employed on a Sunday
12 and/or a holiday at a rate of one and one-half (1 1/2) times the regular rate at which he or she is
13 employed as provided in section 5-23-2, the hours worked on the Sunday and/or holiday shall be
14 excluded from the calculation of overtime pay as required by this section.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
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- 1 This act would require employers pay their delivery drivers or sales merchandisers an
- 2 overtime rate of compensation for all hours worked in excess of forty (40) hours in any one week
- 3 and would prohibit them from using the fluctuating workweek method to calculate the overtime.
- 4 This act would take effect upon passage.

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