

2010 -- S 2961

LC02823

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO HOLIDAYS AND DAYS OF SPECIAL OBSERVANCE -- WORK ON  
HOLIDAYS AND SUNDAYS

Introduced By: Senators Ruggerio, Walaska, McCaffrey, and Lynch

Date Introduced: June 02, 2010

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.** -- As used in this chapter:

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

5 (2) "Economic necessity" means and refers to any case where the director determines  
6 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  
11 of 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  
15 product or in the provision of banking or financial services is to operate facilities within that  
16 industry seven (7) days per week, the failure to operate on one or more Sundays or holidays will  
17 subject the employer to a competitive hardship within the industry in which the employer  
18 competes;

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (ix) Any individual engaged in the provision of parking/shuttle-related services for a state  
28 airport parking facility.

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

32 (5) "Holidays" means Sunday, New Year's Day, Memorial Day, July 4th, Victory Day,  
33 Labor Day, Columbus Day, Veterans' Day, Thanksgiving, and Christmas; provided, that as it  
34 pertains to all offices of state and municipal government, the term "holiday" includes in addition

1 to the holidays enumerated in this subdivision, Dr. Martin Luther King, Jr.'s Birthday, as defined  
2 in section 25-2-18.

3 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 HOLIDAYS AND DAYS OF SPECIAL OBSERVANCE -- WORK ON  
HOLIDAYS AND SUNDAYS

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- 1           This act would exempt from Sunday/holiday pay any individual engaged in the provision
- 2 of parking/shuttle-related services for a state airport parking facility.
- 3           This act would take effect upon passage.

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