

**RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING**

DEPARTMENT OF LABOR AND TRAINING

Title of Rule: Payment of Wages, Employer Exemptions from Weekly Pay, and Exemptions for Work on Holidays and Sundays (260-RICR-30-05-2)

Rule Identifier: 260-RICR-30-05-2

Rulemaking Action: Proposed Amendment

Important Dates:

Date of Public Notice: 09/27/2019

Hearing Date: 10/17/2019

End of Public Comment: 10/27/2019

Authority for this Rulemaking:

§§ 28-14-19, 25-3-6, R.I. Gen. Laws Chapter 28-12

R.I. Gen. Laws § 25-3-7

Summary of Rulemaking Action:

This amendment will add two classes of employers as exempt from premium pay for holidays and Sundays. 2.6.4 A 9 will exempt animal care facilities that are required to operate 24/7. 2.6.4 A 10 will exempt employers in the newspaper business that produce a product 7 days per week. Additionally, a class of employers, in the fresh prepared foods industry, who are exempt from premium pay will be removed from the regulation in 2.6.4 A 8.

Additional Information and Comments:

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed amendment until October 27, 2019 by contacting the appropriate party at the address listed below:

Mary Ellen McQueeney-Lally, Esq.
Department of Labor and Training
RI Department of Labor & Training
1511 Pontiac Ave, 72-3
Cranston, RI 02920
marye.mcqueeneylally@dlt.ri.gov

Public Hearing:

A public hearing, in accordance with R.I. Gen. Laws § 42-35-2.8, to consider the proposed amendment shall be held on October 17, 2019 at 4:00 pm at RI Department of Labor & Training, 1511 Pontiac Ave, 73-1, Cranston, RI 02920 at which time and place all persons interested therein will be heard. The seating

capacity of the room will be enforced and therefore the number of persons participating in the hearing may be limited at any given time by the hearing officer, in order to comply with safety and fire codes.

The place of the public hearing is accessible to individuals who are handicapped. If communication assistance (readers/interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call 401-462-8000 or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting.

Regulatory Analysis Summary and Supporting Documentation:

The class of employers that house or contain animals 24/7 are required by license to employ people on Sundays and holidays. This exemption will give them relief from paying time and one half on those days. This could result in an increase in employees and will allow those employers to be on an even field with out of state employers in the industry.

The class of employers that prepare, print and publish newspapers and daily news content are in an industry that operates 7 days per week. This exemption will give them relief from paying time and one half on Sundays and holidays. This will allow fairness of competition with out of state employers in the same industry

The fresh food employers exemption is being removed as no employers that this exemption applies to are operating in Rhode Island. Additionally, the exemption is unclear and causing confusion regarding its application.

For full regulatory analysis or supporting documentation see agency contact person above.