

RIFDA RI LEGISLATIVE UPDATE

The General Assembly is on February break, also called “Winter Recess.” No hearings are scheduled for this week. However, legislators and staff are busy drafting and submitting bills, as the deadline for introductions of bills was extended to February 23, 2021. We can expect hundreds of bills to be released in the coming weeks. The RI House of Representatives Task Force for COVID-19 Vaccine will be receiving a briefing on Wednesday, February 17th at 4:00 pm from Dr. Alexander-Scott. The meeting will be live streamed on Capitol TV at <http://www.rilegislature.gov/CapTV/Pages/default.aspx>

Staff Changes in Executive and Legislative Branches

It’s getting harder to keep up with the various staff changes taking place at the State House. Last week RI Department of Labor and Training Director, Scott Jensen announced that he will step down February 22nd after six years at DLT. The Governor’s Policy Director Nell Abernathy and Senior Deputy Chief of Staff, Kevin Gallagher also announced their departure. Governor Raimondo’s Deputy Chief of Staff, Nicole Verdi, is headed to the Senate as Chief Legal Counsel. Senate President Ruggerio also named his new Chief of Staff – Jake Bisailon, - after Stephen Iannazzi left to take a job in the private sector. As was announced a few weeks ago, Ray Simone is Speaker Shekarchi’s Chief of Staff, while Nicole McCarty is Chief Legal Counsel. Danica Iacoi is now Chief Legal Counsel to Majority Leader Blazejewski.

The following our bills we have been tracking as part of our legislative Committee.

Senate Passes S 001 – Minimum Wage

Last week the full Senate is scheduled to voted to approve S.1, an Act Relating to Labor and Labor Relations – Minimum Wages. Rhode Island’s current minimum wage, \$11.50 per hour, went into effect October 1, 2020. S.1 proposes to increase the minimum wage to \$12.25 on October 1, 2021, \$13.00 on October 1, 2022, \$14.00 on October 1, 2023 and \$15.00 on October 1, 2024. This bill was amended to make the effective date January 1st, 2022 and then to progress to the new rates on January 1st of the subsequent years (2023-2025) Governor Raimondo, in her State of the State Address, suggested that the Senate and House pass legislation creating a “path to \$15” before she vacates the Governor’s office.

This bill will move over to House Labor. The House has its own version of this bill as well – H 5130 which as of this writing has not had a hearing

House Hearings of Note:

H.5266, An Act Relating to Labor and Labor Relations – Unlawful Employment Practices, allows employees to sue employers and individual employees for “directly or indirectly” committing any act considered to be an unfair employment practice under Rhode Island law. Unlawful practices under RIGL 28-5-7, include failing to hire someone based on race, color, gender, religion, sexual orientation. It is also an unfair practice to discharge an employee, or discriminate against an employee using compensation, privileges or tenure. H.5266 allows individuals to be sued, and the legislation is retroactive to include all pending claims and cases. This bill was held for further study.

House Labor Studies COVID Liability Bill and Labor Bills

On Thursday, February 10th the House Labor Committee met to take testimony on a number of bills. H.5264, An Act Relating to Labor and Labor Relations – Workers Compensation – Occupational Diseases, addresses questions of employer liability related to the COVID-19 virus. H.5265, An Act Relating to Labor and Labor Relations – Payment of Wages, assesses new penalties on employers that fail to maintain an

employee's health care benefits while that employee is out of work under TCI (the employee must continue to pay any required premium co-share); and for failing to retain the employee's job or provide a similar job to that employee once he/she returns to work. H.5266, An Act Relating to Labor and Labor Relations – Unlawful Employment Practices, allows employees to sue employers and individual employees for “directly or indirectly” committing any act considered to be an unfair employment practice under Rhode Island law. All three bills were held for further study.

Other Senate Hearings of Note:

Senate Bill No. [143](#) Ciccone, AN ACT RELATING TO LABOR AND LABOR RELATIONS --MINIMUM WAGES (Provides increases to the minimum wage in 2021, 2022, and 2023 and implements a permanent formula to provide annual adjustments to the minimum wage thereafter.) [S0143.pdf \(state.ri.us\)](#) This bill was held for further study

The following new bills have been filed that could impact our industry:

House Bill No. [5445](#) Carson, Cortvriend, Blazejewski, Kazarian, Ruggiero, Donovan, Speakman, Knight, McEntee, Alzate, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - 2021 ACT ON CLIMATE (Establishes a statewide greenhouse gas emission reduction mandate.) [H5445.pdf \(state.ri.us\)](#)

House Bill No. [5448](#) McGaw, Felix, Kislak, Alzate, Potter, Lombardi, McEntee, Tanzi, Ruggiero, AN ACT RELATING TO HUMAN SERVICES -- MEDICAID EMPLOYER ASSESSMENT (Creates a Medicaid employees assessment and would require all for profit employers with more than 300 employees to compensate the state 10% of each of their employees' wages, capped of \$1500, who are enrolled in Medicaid.) [H5448.pdf \(state.ri.us\)](#)

House Bill No. [5473](#) Williams, Messier, Vella-Wilkinson, Slater, Alzate, AN ACT RELATING TO LABOR AND LABOR RELATIONS - WORKERS' COMPENSATION BENEFITS (Requires employees to prove non-intoxication at time of injury/death after employer shows positive test for intoxication at time of injury/death with recovery of overpayments/minor may recover treble damages from employers.) [H5473.pdf \(state.ri.us\)](#)

House Bill No. [5585](#) Amore, Lombardi, Potter, Giraldo, Alzate, Morales, AN ACT RELATING TO HOLIDAYS AND DAYS OF SPECIAL OBSERVANCE -- WORK ON HOLIDAYS AND SUNDAYS (Repeals § 5-3-7 of the general laws which gives the director of the department of labor and training the authority to exempt certain classes of employees from receiving overtime pay for Sunday and holiday work.) [H5585.pdf \(state.ri.us\)](#)

Senate Bill No. [189](#) DiMario, Euer, Murray, Lawson, Valverde, Pearson, Mendes, Mack, Goldin, Anderson, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- FAIR EMPLOYMENT PRACTICES (Forbids an employer to require an employee to execute a nondisclosure agreement; or non-disparagement agreement regarding alleged violations of civil rights or criminal conduct as a condition of employment.) [S0189.pdf \(state.ri.us\)](#)

House Bill No. [5231](#) Shekarchi, Edwards, Noret, McEntee, Solomon, AN ACT RELATING TO TAXATION -- BUSINESS CORPORATION TAX (Provides technical amendments to the existing Pass-through Entity Election Tax statute to allow tax practitioners and the Rhode Island Division of Taxation to comply with the provisions in practice.) [H5231.pdf \(state.ri.us\)](#)

Senate Bill No. [196](#) Ciccone, Acosta, Calkin, Goodwin, Lawson, Anderson, Valverde, Murray, Bell, DiPalma, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- DIGNITY AT WORK ACT (Establishes the Dignity at Work Act, to provide workers with more protection from bullying and harassment in the workplace.) [S0196.pdf \(state.ri.us\)](#)

House Bill No. [5246](#) Diaz, McNamara, Slater, Vella-Wilkinson, Perez, McLaughlin, Biah, Tobon, AN ACT RELATING TO HEALTH AND SAFETY - PUBLIC HEALTH AND WORKPLACE SAFETY ACT (Provides that any law or regulation which protects a person from exposure to second hand smoke would also provide protection from exposure to second-hand marijuana smoke, regardless of how the smoke was generated.) [H5246.pdf \(state.ri.us\)](#)

House Bill No. [5261](#) Donovan, Williams, Alzate, Blazejewski, Speakman, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- FAIR EMPLOYMENT PRACTICES (Comprehensively addresses wage discrimination, based on sex by expanding employee protections and the scope of the remedies available to employees who have experienced wage discrimination.) [H5261.pdf \(state.ri.us\)](#)

House Bill No. [5264](#) Williams, Batista, Biah, Slater, Felix, AN ACT RELATING TO LABOR AND LABOR RELATIONS - WORKERS' COMPENSATION - OCCUPATIONAL DISEASES (Classifies as an occupational disease any disability or quarantine resulting from COVID-19 or other viral infection classified by an executive order during a declared state of emergency, subject to certain requirements.) [H5264.pdf \(state.ri.us\)](#)

House Bill No. [5266](#) Edwards, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- UNLAWFUL EMPLOYMENT PRACTICES (Prohibits an employer, employment agency, labor organization, or employee, to commit any act declared to be an unlawful employment practice; individuals would be held personally liable for such conduct.) [H5266.pdf \(state.ri.us\)](#)

House Bill No. [5280](#) McEntee, Cortvriend, Bennett, Hawkins, Carson, Speakman, Knight, Caldwell, AN ACT RELATING TO HEALTH AND SAFETY -- BEVERAGE CONTAINER DEPOSIT RECYCLING ACT OF 2021 (Creates a refundable ten cent (\$0.10) deposit for non-reusable beverage containers. A four cents (\$0.04) handling fee would be paid by distributors.) [H5280.pdf \(state.ri.us\)](#)

House Bill No. [5358](#) McEntee, Cortvriend, Bennett, Knight, Carson, Blazejewski, Speakman, Phillips, Donovan, Craven, AN ACT RELATING TO HEALTH AND SAFETY - PLASTIC WASTE REDUCTION ACT (Creates the "Plastic Waste Reduction Act" designed to reduce the use of plastic bags by retail establishments by offering recyclable bag options and providing penalties for violations.) [H5358.pdf \(state.ri.us\)](#)