

February 21, 2021

Representative Anastasia Williams
House Labor Committee Chairperson

Regarding: Opposition to House Bill 5585

Dear Chairperson Williams and other members of the House Labor Committee:

I testify today in opposition to bill 5585.

Under current law, a business or business class / industry has two mechanisms to seek exemption from the state's premium pay requirements as required under RIGL §25-3-2:

1. They can seek a statutory exemption
2. They can seek an exemption from the Director of Labor and Training as provided for in RIGL §25-3-7.

In truth, the section in question is nebulous in meaning. It does not define what exactly about an employer's size or nature justifies an exemption, but it gives the DLT Director the option to grant an exemption should s/he deem it deserves an exemption.

Eliminating this section would mean that all businesses seeking exemption in the future would be required to seek a statutory exemption only. This would certainly be feasible for large industries (e.g. restaurants and accountants), but would not be feasible for smaller, less organized industries who would, by virtue of their operations size and nature, be eligible for an exemption.

Allowing smaller businesses to seek an exemption through the Director provides a plausible mechanism for success.

Eliminating the section also creates a question of what happens to the industries that were granted exemption from the Director historically. Will they continue to enjoy the exemption?

It is unclear to me what benefits this legislation seeks to address. I agree that the language of the statute could be clarified to perhaps give explicit direction to the Director on what kinds of industries should qualify for the exemption, but I urge the committee to avoid getting rid of the language all together. It serves a vital interest for small businesses to seek exemption.

Certainly if any committee members have any questions, I'm available to answer.

Respectfully,

Robert Wheeler
Pawtucket, RI