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Vincent J. Mesolella Chairman

Laurie A. Horridge Executive Director

March 1, 2021

The Honorable Anastasia P. Williams Chairperson House Committee on Labor State House Providence, RI 02903

**RE:** House Bill 5721

Dear Chairperson Williams and Members of the Committee:

Thank you for taking the time to consider the Narragansett Bay Commission's (NBC) position on 2021 House Bill 5721. I am writing to express the NBC's concerns with H5721, which in part proposes to amend the State Fair Employment Practices Act. The NBC is a diligent public corporation that serves its ratepayers by providing a reliable and consistent service which directly benefits its ratepayers, as well as the entire State of Rhode Island by protecting human health and the environment. Specifically, the NBC protects Narragansett Bay from untreated sewage discharges. The NBC is concerned that portions of H5721 will hinder its ability to maintain required staffing levels during a public health disaster emergency.

H5721's proposed amendments to the State Fair Employment Practices Act will make it unlawful for an employer, including the NBC, to take any adverse employment action for an employee's failure or refusal to work during a public health disaster emergency declared by the Governor. The language is extremely broad and does not contemplate any qualifying conditions, rationale basis, or require any justification that must be established before an employee can choose not to work. Nor does it carve out entities that provide an essential service to the community that must be maintained during a public health disaster emergency, such as wastewater treatment facilities. The proposed language invites all employees to take a hiatus from work without any justification and for what could be a lengthy and unknown period of time.

The broad language of the bill obligates employers to keep all employees who refuse or fail to work during a public health emergency employed, which would be impossible for those essential services entities that need to maintain minimum staffing levels to operate. This bill also appears to contravene legally binding and negotiated collective bargaining agreements.

The NBC respectfully opposes House Bill 5721 as written and urges the legislature to give due consideration to the burden it would impose on employers during a public health disaster emergency.

Thank you for the opportunity to comment.

Sincerely,

Jennifer J. Harrington

Jennifer J. Harrington, Esq. General Counsel and Legislative Liason