



**Rhode Island Society for Human Resource Management State Chapter**

Statement of  
Francesco A. DeLuca, Esq., Director of Legislative Affairs  
On behalf of the Rhode Island Society for Human Resource Management State Chapter  
Submitted to the House Committee on Labor

**H 7319 -- AN ACT RELATING TO LABOR AND LABOR RELATIONS -- HEALTHY  
AND SAFE FAMILIES AND WORKPLACES ACT**

March 4, 2024

To the Honorable Members of the House Committee on Labor:

My name is Francesco A. DeLuca, Esq. I am a member of the law firm of Epstein Becker & Green, P.C., where I practice labor and employment law. Since 2023, I have had the honor of serving in the role of Director of Legislative Affairs for the Rhode Island Society for Human Resource Management State Chapter (“RI SHRM”).

RI SHRM is an affiliate of the Society for Human Resource Management, the world’s largest HR professional society representing more than 300,000 members in more than 165 countries. RI SHRM is a volunteer organization representing the interests of more than 500 human resource professionals throughout the State of Rhode Island. Our members are a cross-section of the Rhode Island economy, coming from such diverse sectors such as education, government, healthcare, hospitality and customer service, manufacturing, non-profit, professional services, small business, and technology. Through our exceptional programming and our legislative advocacy efforts over the years, we have become the trusted voice of the Rhode Island HR and business communities.

On behalf of our members, I am grateful for the opportunity to provide the House Committee on Labor with this written testimony in opposition to **H 7319 -- An Act Relating to Labor and Labor Relations -- Healthy and Safe Families and Workplaces Act**.

**First, requiring daily overtime and, for large employers, overtime after 32 hours in a workweek will burden employers, employees, and consumers.** While H 7319 may change an employee’s regular workday, it will not change the demands of clients, customers, and members of the public. To meet those demands, many employers have adopted schedules that may require employees to work more than eight hours in a day, and nearly all employers require employees to work more than 32 hours in a workweek. H 7319 would require employers to pay their employees more to meet their customers’ and clients’ demands or forego providing the same level of service customers and clients have come to expect. Either way, consumers likely suffer, either through an increase in prices for the same goods and services (which now cost more to produce or provide)

or through a reduction in goods and services (either in quality or quantity). And employees' workloads will not decrease with the shift to a 32-hour workweek, meaning that they will likely feel pressure to try to meet the same productivity standards that apply to them now. Even if employees could meet those standards while working fewer hours—and it is highly unlikely they could do so while providing the same quality of goods and services they provide now—H 7319 could lead to decreased work satisfaction and increased burnout. **Rhode Island should not impose the costs associated with daily overtime or overtime after working only 32 hours on employers, employees, and the everyday Rhode Islanders they service.**

**Second, requiring daily overtime may discourage employers from offering or allowing flexible or alternative schedules.** Sometimes, employees need flexibility in their schedule, such as leaving an hour early one day of the week and working an hour later another day that week. Additionally, some employers use a 4/10 (four ten-hour days) instead of a 5/8 (five eight-hour days) schedule, either as their regular schedule or as a perk during the summer to provide employees with a three-day weekend. Having to pay daily overtime would discourage employers from providing employees with flexibility to adjust their schedule or with a 4/10 schedule, either as their regular schedule or as a summertime perk, employees have come to expect and may in fact prefer. **The General Assembly should not discourage employers from offering flexible or alternative schedules.**

**Third, requiring time and a half for a seventh consecutive day of work is unnecessary.** Most employees in Rhode Island are entitled to time and a half for work they perform on a Sunday. (R.I. Gen. Laws § 5-23-2(d); *id.* § 25-3-3(a).) Because it is impossible for these employees to work seven consecutive days without working on a Sunday, they already receive time and a half whenever they work seven consecutive days. **Rhode Island should not adopt a law that largely duplicates existing obligations.**

**Fourth, the overtime provisions of H 7319 (i.e., proposed R.I. Gen. Laws § 28-57-14.2) appear to apply to employees whom Rhode Island has traditionally exempted from its overtime law.** R.I. Gen. Laws § 28-12-4.1 requires employers to pay overtime to employees who work more than 40 hours in a given week, and R.I. Gen. Laws § 28-12-4.3 contains well-established exemptions from that requirement, such as executive, administrative, and professional employees. As written, H 7319 could be construed as not incorporating those exemptions. It would be absurd to expect a publicly traded company to pay overtime to its chief executive officer for working more than 32 hours in a week, to require a law firm to pay time and a half to a litigator for working seven consecutive days while preparing for a trial, or to direct a hospital to pay a surgeon premium pay for performing a surgery that lasted more than eight hours. **If the General Assembly intends to impose new overtime obligations on employers, it should clearly and expressly exempt those employees whom Rhode Island has traditionally exempted from its overtime law from H 7319's new overtime obligations.**

Thank you for your time and consideration, and please feel free to contact me to continue this important conversation.

Respectfully submitted by:

/s/ Francesco A. DeLuca

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