

February 18, 2026

EMAIL ONLY

Hon. Arthur J. Corvese
Chairperson, House Labor Committee
Email: rep-corvese@rilegislature.gov

RE: SUPPORT FOR H 7768 LABOR AND LABOR RELATIONS—FAIR EMPLOYMENT PRACTICES

Dear Chairperson Corvese,

This letter is sent by the undersigned in my capacity as Governmental Affairs Counsel for the New England Mechanical Contractors Association (“New England MCA”).¹

The New England MCA **supports** this legislation, *which would amend the Rhode Island Fair Employment Practices Act (“FEPA”) to make it clear that when the General Assembly provided that “any person, whether or not an employer, employment agency, labor organization, or employee,” is liable for workplace discrimination, it meant what it said—individuals may be held personally liable.* This bill is necessitated by a recent decision of the Rhode Island Supreme Court in *Mancini v. City of Providence*, *Mancini v. City of Providence*, 155 A.3d 159 (R.I. 2017), wherein the court ruled that the General Assembly did not mean what it said, and that there is no individual liability, thereby overturning what had long been well-settled law. For over thirty (30) years, the Rhode Island Commission for Human Rights, the administrative body charged with enforcing the FEPA, has interpreted and applied the Act to provide for individual liability. The United States District Court for the District of Rhode Island for over twenty (20) years has held that the FEPA provides for individual liability. *Wyss v. Gen. Dynamics Corp.*, 24 F. Supp. 2d 202, 210 (D.R.I. 1998) (“[The] FEPA does, indeed, provide for individual liability.”); *Iacampo v. Hasbro, Inc.*, 929 F. Supp. 562, 573 (D.R.I. 1996) (“FEPA reaches past employers to forbid discriminatory acts by individual employees.”). So has the state Superior Court. *Evans v. Rhode Island Dep’t of Bus. Regulation*, No. CIV.A. 01-1122, 2004 WL 2075132, at *3 (R.I. Super. Aug. 21, 2004) (“The protections created under FEPA are broad; specifically, these protections reach further to encompass individuals not qualifying as employers.”).

And, there is good reason for it: “individual liability . . . deters those who would use their positions and power to discriminate, and guarantees that victims of discrimination will receive redress not only from amorphous corporate entities, but from their very present oppressors.” *Iacampo*, 929 F. Supp. at 572. It is for this very reason that this bill is **pro-employer**: if employees are held individually liable for their conduct, they will think long and hard before engaging in workplace discriminatory conduct that could in turn expose their employer to liability. Letting the *Mancini* decision stand removes this incentive to refrain from discriminatory conduct, **thereby exposing employers to potential liability.** **There is no social or business benefit to immunizing individuals from responsibility for their anti-social behavior.**

¹ New England MCA represents union signatory commercial and industrial heating, ventilation, air conditioning, and process piping contractors in Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont. It has over 80 contractor members throughout New England. New England MCA’s Rhode Island members include Aero Mechanical, Inc., Arden Engineering Constructors, LLC, Delta Mechanical, Hart Engineering Corporation, and Nexgen Mechanical. Every New England MCA member is signatory to one or more collective bargaining agreements with the local construction industry trades. Our members have worked as contractors and subcontractors on numerous public and private works projects in Rhode Island, including major construction at URI, Rhode Island Resource Recovery, Providence College, and Amgen. During periods of major commercial construction, New England MCA member contractors may employ as many as 700 Local 51 plumbers and pipefitters in Rhode Island. *The views expressed in this letter do not necessarily represent the position of each individual member.*

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This bill has been supported in the past by the following groups: R.I. Commission for Human Rights, RI ACLU, RI AFL-CIO, BuildRI, the Center for justice, RI General Assembly Sexual Harassment Study Commission (proposed bill restoring individual liability), and R.I. Association of Justice.

For all the foregoing reasons, New England MCA strongly **supports** passage of this legislation.

Very truly yours,



Richard A. Sinapi, ras@sinapilaw.com

RAS/ras

cc: Client (email only)
Hon. K. Joseph Shekarchi, Speaker of the House (via email only(rep-shekarchi@rilegislature.gov))
Members of House Committee on Labor (via email only) (HouseLabor@rilegislature.gov)