

2019 -- H 5339

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS - MINIMUM WAGES

Introduced By: Representatives Marszalkowski, Tobon, Ackerman, Alzate, and Lyle

Date Introduced: February 07, 2019

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-12-2 of the General Laws in Chapter 28-12 entitled "Minimum
2 Wages" is hereby amended to read as follows:

3 **28-12-2. Definitions.**

4 As used in this chapter:

5 (1) "Advisory board" means a board created as provided in § 28-12-6;

6 (2) "Commissioner" means the minimum-wage commissioner appointed by the director
7 of labor and training as chief of the division of labor standards;

8 (3) "Director" means the director of labor and training, or his or her duly authorized
9 representative;

10 (4) "Employ" means to suffer or to permit to work;

11 (5) "Employee" includes any individual suffered or permitted to work by an employer;

12 (6) "Employee" shall not include:

13 (i) Any individual employed in domestic service or in or about a private home;

14 (ii) Any individual employed by the United States;

15 (iii) Any individual engaged in the activities of an educational, charitable, religious, or
16 nonprofit organization where the employer-employee relationship does not, in fact, exist, or
17 where the services rendered to the organizations are on a voluntary basis;

18 (iv) Newspaper deliverers ~~on home delivery~~, shoe shiners in shoe shine establishments,
19 caddies on golf courses, pin persons in bowling alleys, ushers in theatres;

1 (v) Traveling salespersons or outside salespersons;

2 (vi) Service performed by an individual in the employ of his or her son, daughter, or
3 spouse and service performed by a child under the age of twenty-one (21) in the employ of his or
4 her father or mother;

5 (vii) Any individual employed between May 1 and October 1 in a resort establishment
6 that regularly serves meals to the general public and that is open for business not more than six
7 (6) months a year;

8 (viii) Any individual employed by an organized camp that does not operate for more than
9 seven (7) months in any calendar year. However, this exemption does not apply to individuals
10 employed by the camp on an annual, full-time basis. "Organized camp" means any camp, except
11 a trailer camp, having a structured program including, but not limited to, recreation, education,
12 and religious, or any combination of these.

13 (7) "Employer" includes any individual, partnership, association, corporation, business
14 trust, or any person, or group of persons, acting directly, or indirectly, in the interest of an
15 employer, in relation to an employee;

16 (8) "Occupation" means any occupation, service, trade, business, industry, or branch or
17 group of industries or employment or class of employment in which individuals are gainfully
18 employed;

19 (9) "Wage" means compensation due to an employee by reason of his or her employment.

20 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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- 1 This act would exempt newspaper deliverers from the minimum wage laws.
- 2 This act would take effect upon passage.

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