

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DIVISION OF WORKFORCE REGULATION AND SAFETY

**RULES AND REGULATIONS RELATING TO  
EXEMPTIONS FOR WORK ON HOLIDAYS AND SUNDAYS**

**The Division of Professional Regulation within the Department of Labor and Training, under the authority granted by Chapter 3 of Title 25 of the General Laws of Rhode Island, 1956, as amended, adopts, amends, modifies and rejects general and special rules and regulations under Chapter 35 of Title 42 of the General Laws of Rhode Island as amended and proposes the following amendments:**

<b>As Amended:</b>	<b>January 4, 2002</b>
	<b>February 6, 2008</b>
	<b>June 6, 2010</b>
	<b>January 8, 2013</b>
	<b>October 2013 (proposed)</b>

1. Pursuant to R.I.G.L. §25-3-6 and R.I.G.L. §25-3-7 the Director may exempt any class of employers, either because of the nature of their operations or their size, from the requirement that work performed by employees on Sundays and holidays must be paid for at least one and one-half (1 1/2) times the normal rate of pay for the work performed.

2. Any Rhode Island employer, as defined by § 25-3-1 (4) , may petition the Director for an exemption by filing with the Director a written statement containing the following: (a) a description of the class of employers which the petitioner seeks to exempt from holiday and Sunday premium wage laws; (b) a description of the employer classes' operational requirements necessitating Sunday and holiday staffing; (c) the approximate number of petitioner's employees who typically work on Sundays and holidays and who would be affected by the exemption; and (d) a statement of the economic necessity, as defined by §25-3-1, justifying the exemption.

3. Upon receipt of a petition for exemption pursuant to R.I.G.L. §25-3-7, the Director shall either grant the request for an exemption for a particular employer class and notify the petitioner of the Department's intent to promulgate regulations for that class pursuant to R.I.G.L. §42-35-1 et. seq. or shall notify the petitioner that the request has been denied.

4. An employer whose petition for exemption has been denied, may, within ten (10) days from the date of the Director's notice of denial of the petition, request an appeal hearing before the Director or the Director's designee to present evidence or other information concerning the request; the Director shall then review the information provided and may either grant the petition or

deny the petition.

5. When applicable, if a collective bargaining agreement provides for the payment of any premium wage on Sundays or holidays to certain employees who are otherwise exempted by these rules from receiving premium wages on Sundays or holidays, the employer shall pay the premium wage as required by the collective bargaining agreement.

6. Manufactures of monoclonal antibodies using mammalian cells requiring continuous operations and maintenance for the production of such monoclonal antibodies are exempt from paying employees Sunday and holiday premium pay when those employees work directly on the production, maintenance and quality control testing of monoclonal antibodies using mammalian cells.

7. Fueling operators at Rhode Island Airport Corporation airports providing operation, quality assurance and maintenance services for the storage, receipt and distribution of aviation fuels and other related airline industry fuels and fluids, such as Glycol de-icing fluids, shall be exempt from paying employees Sunday and holiday premium pay. Exempt employees must provide oversight of daily fueling procedures, performance of quality checks, fuel related record keeping, direct receipt and testing of fuels, fuel inventory functions, environmental functions or dispersal services for commercial aviation fuel or related fuels and fluids or provide mandatory maintenance in line with Federal Aviation Administration (FAA) or Rhode Island Airport Authority protocols concerning aviation industry fuels and fluids or related fuels and fluids.

8. Employers of Federally Certified Maintenance Technicians that repair or inspect aircraft and specific ground service equipment at T.F. Green airport, and who are certified by the Federal Aviation Administration shall be exempt from paying employees Sunday and holiday premium pay.

9. Motorist service facilities located on, or approximate to, major interstate highways that operate twenty-four (24) hours a day, seven (7) days a week and provide gasoline and/or diesel fuel sales and vehicle servicing in combination with restaurant operations, convenience stores, or other travel amenities shall be exempt from paying employees Sunday and holiday premium pay.

10. All churches and other houses of worship that employ part-time employees whose work is performed on the day of worship, during the worship service, and that work is solely related to the operation of conducting religious worship services shall be exempt from paying employees Sunday and holiday premium pay. The exemption from premium pay shall be limited to and applicable to work by part-time employees whose work is performed on the day of worship, during the worship service, and that work is solely related to the operation of conducting religious worship services. Such employees include, but are not limited to, choir directors who direct the choir during worship services, worship technologists who manage and operate light, sound, and

audiovisual systems during worship services, youth directors who provide youth supervision and youth programs during religious services, and building and custodian maintenance staff who maintain the facilities during worship services.

**A copy of the proposed regulations will be available for examination at the Rhode Island Department of Labor & Training, Division of Professional Regulation, 70-2, 1511 Pontiac Avenue, Cranston, RI 02920 between the hours of 9:00 a.m. and 3:00 p.m. Electronic copies of the proposed regulations will also be available on the Rhode Island Department of Labor and Training's website at the following address: <http://www.dlt.state.ri.us/>.**

**In the development of the proposed amendments, consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory regulatory provisions; and (3) significant economic impact on small businesses as defined in Chapter 35 of Title 42 of the General Laws, which may result from the proposed amendments. Based on available information, no significant economic impact was identified nor are there any alternative approaches, duplications or overlaps with other state regulations.**

**Written comments regarding the proposed amendments are welcomed and will be accepted within twenty (20) days of the date of publication of this notice. Please address all comments or inquiries to Joseph Degnan, Assistant Director, Department of Labor and Training, 1511 Pontiac Avenue, Cranston, RI 02920.**

**In accordance with Rhode Island General Laws § 42-35-3, an oral hearing on these proposed amendments will be granted if requested by twenty-five (25) persons or a governmental subdivision or agency, or by an association having not less than twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of the date of this publication of notice. If a hearing is properly requested, it shall be held on November 22, 2013 at 2:00 pm., in Bldg. 73-1, 1511 Pontiac Avenue, Cranston, RI 02920. A recording of the hearing will be made by Rhode Island Department of Labor and Training staff.**

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
RI DEPARTMENT OF LABOR AND TRAINING  
DIVISION OF PROFESSIONAL REGULATIONS**

**Concise Summary of Proposed Non-technical Amendments to  
RULES AND REGULATIONS RELATING TO EXEMPTIONS FOR WORK ON  
HOLIDAYS AND SUNDAYS**

In accordance with the Administrative Procedures Act, Section 42-35-3(a)(1) of the General Laws of Rhode Island, following is a concise summary of proposed non-technical amendments:

**Regulation 9):**

The amendment exempts certain motorist service facility employers from the requirements of paying to certain employees time and one half on Sundays and holidays.

**Regulation 10):**

The amendment exempts certain employers of religious institutions from the requirements of paying to certain employees time and one half on Sundays and holidays.