**Senate Labor Committee Passes Family Leave Bill**

On a 4-2 vote, the Senate Labor Committee recommended passage of S.2467, An Act Relating to Labor Relations – Rhode Island Parental and Family Medical Leave Act. The bill increases the number of benefit weeks provided to employees from thirteen weeks every two years, to twenty-four weeks every two years. While the Chamber understands that this is unpaid leave, the employer must still keep the employee’s job waiting for the person’s return. The Chamber wishes to thank Senator Roger Picard and Minority Leader Jessica de la Cruz for voting against passage of the bill. Voting in favor was Chairman Frank Ciccone, Senator Frank Lombardi, Senator John Burke and Senator Melissa Murray. S.2467 is now headed to the Senate floor for a vote March 21st.

**This Week At the State House**

Tuesday March 19th

Senate Commerce Committee

Self-service check outs, data privacy and deceptive trade practices are all on the agenda for the Senate Commerce Committee hearing at the Rise in room 212. S.2268, An Act Relating to Commercial Law – Grocery Stores limits the number of customer self-checkout stations to six, requires grocery stores to maintain one manual check-out station for every self-checkout station in use, and gives the Attorney General’s office the authority to impose penalties for noncompliance. The self-service check-out limitation provision in S.2268 could bring under its umbrella grocery stores, pharmacies, and certain retail stores that offer a wide array of goods. Written testimony can be forwarded to slegislation@rilegislature.gov

S.2500, An Act Relating to Commercial Law – Rhode Island Data Transparency and Privacy Protection Act establishes rules for Rhode Island companies that sell or provide information to third parties for marketing purposes. S.2500 is a seventeen-page bill that is different than bills introduced in previous years. The employee responsible for collecting data for a company must provide certain information in a customer agreement or on a website. The information must include: categories of personal data collected, categories of third parties to whom the information is disclosed, explanation concerning how customers may exercise rights provided under the law, the purposes for collecting the personal data, categories of personal data shared with third parties, and an active email address or online avenue to contact the person in charge of data collection. Customers have a right to correct inaccuracies in the customer’s personal data and to delete data. They have the right to obtain a copy of the data processed and to opt out of data collected for targeted advertising purposes. If your business sells or provides information to third parties, we encourage you to carefully read the bill and submit comments. <https://webserver.rilegislature.gov/BillText/BillText24/SenateText24/S2500.pdf>

S.2503, An Act Relating to Commercial Law – General Regulatory Provisions – Deceptive Trade Practices attempts to address what is often referred to as “junk fees.” The legislation creates a new section to the unfair deceptive practices act, stating it is an unfair practice to offer goods or services to the public and to fail to include a notification disclosing any mandatory fees including the “nature and purpose” of those fees. S.2503 creates significant ambiguity by using language that does not distinguish between fees that are fixed and determinable upfront versus fees that vary based on consumer choices during the ordering process. For example, some web-based companies will charge fees based on the amount of items purchased, or a percentage of the cost of an item or service. These fees are eventually disclosed to the consumer, but cannot be calculated until the order is about to be completed. The language in the legislation would cause this practice to be declared illegal. Additionally, there is no language in the bill to clarify a length of time between the displaying of a price and the customer’s purchase triggering an unfair practice violation. It is possible for a business to advertise a price for an item, and then the corresponding fees change prior to the customer ultimately making a purchase. Lastly, The Federal Trade Commission (FTC) is working on this very issue now. The Chamber believes it is prudent to allow that process to move forward before the State promulgates proposed regulations covering the same subject matter. <https://webserver.rilegislature.gov/BillText/BillText24/SenateText24/S2503.pdf>

S.2505, An Act Relating to Commercial Law – Deceptive Trade Practices, is another difficult bill to dissect for meaning. This one-sentence bill states, “Any term or condition in any agreement which unnecessarily burdens a person's effective vindication of rights under this chapter [the Deceptive Trade Practices Law] shall be null and void.” If passed, the bill will provide business to attorneys, as the courts attempt to determine what activities are covered under the new provision. <https://webserver.rilegislature.gov/BillText/BillText24/SenateText24/S2505.pdf>

Senate Judiciary Committee

The Senate Judiciary Committee is also meeting at the Rise on Tuesday to hear testimony on S.2672, An Act Relating to Criminal Procedure – Identification and Apprehension of Criminals. The bill prohibits the state or any agency, from denying any person employment based on a prior criminal conviction *and prohibits the state from disqualifying any person from engaging in any occupation for which a license, permit or certificate of registration is required based on a prior conviction*. Unless a particular state law or federal law requires an employer to ask about prior convictions, any state or private employer may not ask about criminal history “until such prospective employee has been deemed otherwise qualified for the position.” At that point, a state entity or agency can deny employment or licensure, registration or permit if the crime is related to the occupation and after taking into consideration the degree of rehabilitation and the time that has elapsed since the conviction. The bill does not specifically state that a private employer cannot deny employment; but it does say “If a conviction of a crime is used as a basis for rejection of an applicant, such rejection shall be in writing and specifically state the grounds presented and reasons for rejection. A copy of such rejection shall be sent by registered mail to the applicant.” One last provision of the bill states that once an individual completes a suspended sentence, a probationary sentence or deferred or suspended sentence, and that person is not subject to sexual offender registration, then the Department of Probation and Parole must issue to the person a certificate of rehabilitation which can be used when applying for employment.

S.2203, An Act Relating to Labor and Labor Relations - Fair Employment Practices Act creates individual liability for any person, employer, or employees who directly or indirectly commit any act declared to be an unlawful employment practice. This bill seems to be aimed at overturning a 2017 Rhode Island Supreme Court decision - *Mancini vs City of Providence.* The case involved a Providence Police Sergeant who alleged he was illegally denied a promotion based on discriminatory factors; and he attempted to sue then Chief of Police, Hugh Clements, Jr. personally. The Rhode Island Supreme Court stated, *“****allowing for the possibility of individual li­ability would have a predictably chilling effect on the discretionary management decisions of supervisory em­ployees.”*** The Chamber encourages members of human resource staffs to submit testimony for the Tuesday hearing at SLegislation@rilegislature.gov

Wednesday, March 20th

The Senate Labor Committee

H.2121, An Act Relating to Labor and Labor Relations – Temporary Disability Insurance, increases the weekly dependance allowance provided under TDI/TCI to increase from $10 to $20 or 7% of the benefit rate, whichever is greater. The bill also expands the TCI benefit to cover employees who wish to take time to care for a sibling (including half-siblings and foster siblings), a grandchild or a “care recipient.” A “care recipient” is defined as ***“a person for whom the employee is responsible for providing or arranging health or safety related care, including, but not limited to, helping the person obtain diagnostic, preventive, routine, or therapeutic health treatment.”*** Lastly, the TCI benefit increases to 12 weeks in a benefit year beginning January 1, 2025. This benefit was first extended to employees in 2014 at 4 weeks. It increased to 5 weeks in 2022 and to 6 weeks in 2023. The employer is required to hold the job for the employee that is on leave. The Chamber strongly encourages you to contact your legislators on this bill, as well as the House version – H.7171. Both bills are being pushed heavily by the advocates and are under consideration. <https://webserver.rilegislature.gov/BillText/BillText24/SenateText24/S2121.pdf>

S.2783, An Act Relating to Labor and Labor Relations – Employment Security – Benefits proposes to change who is entitled to unemployment benefits during a labor strike. Under current law, an employee is not entitled to unemployment benefits during a strike unless the individual is not a member of the striking union. If an employer locks out striking employees, those employees are entitled to benefits unless the employer is a member of a multi-employer collective bargaining group and the lockout is in response to a strike at another member’s location. S.2783 allows all striking workers to collect unemployment benefits during a strike, meaning an employer is ultimately paying its employees to refuse to work during contract negotiations. S.2783 upsets the delicate balance of power during negotiations which is designed to encourage both sides to work toward compromise. <https://webserver.rilegislature.gov/BillText/BillText24/SenateText24/S2783.pdf>

S.2785, An Act Relating to Labor and Labor Relations – Labor Relations Act, proposes to protect the free speech rights of employees in the workplace, but it also limits the first amendment rights of employers. S.2785 would prohibit employers from requiring non-managerial employees to attend a meeting to learn about legislative proposals or regulatory matters as well as meetings to provide information concerning labor organization efforts. If enacted, this legislation would severely limit an employer’s ability to educate employees about legislation, including legislation that would materially impact the business’ operations or the employee’s day-to-day job responsibilities. The bill can be viewed at: <https://webserver.rilegislature.gov/BillText/BillText24/SenateText24/S2785.pdf>

S.2473, An Act Relating to Labor and Labor Relations – Workplace Psychological Safety Act will be heard once again. The bill begins by stating that employees have a right to a physically safe work environment and to a psychologically safe workplace. Employers have a “general duty” to provide a work environment free from all forms of psychological abuse and to ensure that all employees are treated respectfully and with dignity. “Psychological abuse” is defined as “mentally provocative harassment. Mistreatment that has the effect of hurting, weakening, confusing, or frightening a person mentally or emotionally.” Within six months of enactment, all employers must adopt policy procedures to comply with the law and train managers and supervisors to handle complaints. S.2473 includes an annual reporting process. Employers are liable for failing to take appropriate measures to provide employees with a psychologically safe work environment. Penalties include economic, compensatory and punitive damages. Any person who aids, abets, incites, or coerces another person in an action not permitted under the legislation is also guilty. A person who experiences psychological abuse may present a case using direct and circumstantial evidence, and if successful may request public notification of the case outcome without disclosing the plaintiff’s name. The bill can be read in its entirety at: <https://webserver.rilegislature.gov/BillText/BillText24/SenateText24/S2473.pdf>

Testimony concerning bills on the Senate Labor agenda can be emailed to SLegislation@rilegislature.gov

Thursday, March 21st

House Environment & Natural Resources

H.7617, An Act Relating to Health and Safety – Building Decarbonization Act of 2024, is an 18- page bill that addresses new residential and commercial buildings, renovations to certain properties and the collection of energy and water use data from commercial entities including housing properties. Beginning March 31, 2026, a single building with more than 25,000 sq. ft., condominium properties with more than 25,000 sq. ft., or two buildings served by the same electric or gas meter that together have more than 25,000 sq. ft. will be required to submit energy information to the Office of Energy Resources (OER) on an annual basis. The information will be used by OER to create benchmarks for meeting the Act on Climate requirements. As benchmarks are adopted, buildings will have to be renovated to meet the benchmarks. H.7617 bans municipalities from issuing permits for the new construction or the alteration of residential, commercial, or mixed-use buildings that are not “electric-ready” if the application or the permit was submitted after December 31, 2024. An exemption can be issued by the municipality if it is determined that the requirement is physically or technically infeasible. Financial considerations are not sufficient to allow for an exemption. No permits for new commercial, residential or mixed-use buildings would be issued after December 31, 2026, unless the building is all-electric. The bill can be viewed at <https://webserver.rilegislature.gov/BillText/BillText24/HouseText24/H7617.pdf> Testimony should be submitted to HouseEnvironmentandNaturalResources@rilegislature.gov

The following new bills have been filed:

House Bill No. [8055](http://webserver.rilin.state.ri.us/BillText/BillText24/HouseText24/H8055.pdf) (Secretary of State) Voas, Giraldo, Stewart, Solomon, Casimiro, Kazarian**,**AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS, AND PARTNERSHIPS -- RHODE ISLAND BUSINESS CORPORATION ACT (Allows the sharing of certain information between the division of taxation and the secretary of state's office regarding an entity's tax status as compliant or non-compliant.)

<http://webserver.rilin.state.ri.us/BillText/BillText24/HouseText24/H8055.pdf>

House Bill No. [8059](http://webserver.rilin.state.ri.us/BillText/BillText24/HouseText24/H8059.pdf) Baginski**,**AN ACT RELATING TO LABOR AND LABOR RELATIONS -- RHODE ISLAND NONCOMPETITION AGREEMENT ACT (Prohibits noncompete agreements except for noncompete agreements between a seller and buyer of a business; creates civil action for an employer for the violation of an agreement by employee regarding disclosure or wrongful utilization of trade secrets.)

<http://webserver.rilin.state.ri.us/BillText/BillText24/HouseText24/H8059.pdf>