**CALL TO ACTION – Time to Call/Email Your Legislators**

**On Tuesday at 4:00 pm, the Senate is scheduled to vote on S.78 SubA on the floor of the Senate. The House Committee on Environment and Natural Resources is set to vote on the companion bill – H.5445 – Thursday at 7:00 p.m.**

**Go to this link to send an email directly to your State Senator and Representative – please do it today!** [**https://p2a.co/dzkbnYe**](https://p2a.co/dzkbnYe)

These bills speed up the reduction of greenhouse gas emission targets currently in law, but they do much more. Under current law, Rhode Island set a goal of 10% reduction over 1990 levels by 2020, a 45% reduction over 1990 levels by 2035, and 80% over 1990 levels by 2050. The Climate Change Coordinating Council (EC4) is charged with developing plans to meet those targets. The state has met the 2020 target. S.78 SubA and H.5445 change the targets to 45% reduction over 1990 levels by 2030, 80% reduction over 1990 levels by 2040 and net zero emissions by 2050.

The more challenging change is in the enforcement of the reduction targets. S.78 SubA and H.5445 allow the EC4 to require agencies to promulgate rules necessary to reach the targets. There is no language in the bills to provide guidelines for what can or cannot be adopted as part of a rule. At this time, the only known technological path to meet the 2040 goal is to require every business and every residence to switch heating systems to a geothermal heat pump or an electric heat pump for heating purposes, and to require all Rhode Islanders to switch to electric vehicles. In addition, all electricity generation in the state would have to switch to renewable fuel – wind, solar, etc. If the emission target is not reached, any person has the right to file a lawsuit and force government action regardless of the cost.

The Chamber sent sixteen questions to RI DEM concerning what a transition might look like from fossil fuel use to renewable energy. For example, 89% of the state’s electricity is currently generated by natural gas. The body responsible for ensuring reliability of New England’s electrical grid will not complete its study on feasibility until the end of this year. Rhode Island also has the fourth highest electricity rates in the country. How does the state transition to 100% renewable electricity and at what cost? If (as S.78 and H.5445 would indirectly require) all businesses and residents must switch to electric heat and electric vehicles by 2030 or 2040, how will the additional electricity demand be met and at what cost? According to the State’s consultant, a “deep residential energy retrofit” would cost between $50,000 and $100,000 per unit. No cost analysis was provided for a commercial or industrial facility.

Massachusetts has similar language in law to that proposed by S.78 SubA and H.5445. Last month legislation was introduced in Massachusetts to raise $10 billion to pay for necessary actions to try to meet the mandated greenhouse gas emission targets in their state law. Part of the $10 billion, includes $500 million generated from a carbon tax on electricity, transportation, heating and industry. The money would go to construct more renewable energy capacity, local aid for climate-related projects, clean energy workforce training and direct payments to lower-income households.

***Now is the time to call your State Senator and State Representative!*** Ask them to vote against passage of S.78 SubA and H.5445 or H.5445 SubA (the House Environment Committee is expected to amend H.5445 to mirror S.78 SubA which is basically a technical amendment).

**This Week at the State House**

**House Labor Wednesday – Calling all HR Managers**

At 6:30pm on Wednesday, the House Labor Committee will hear testimony on five bills of interest.

H.5261, An Act Relating to Labor and Labor Relations – Fair Employment Practices, requires employers to adhere to equal pay for “comparable” work. Under current Rhode Island law, employers are prohibited from paying female employees less than their male counterparts if they are performing equal work on the same operations. Unequal salaries are permitted for seniority, training, skill, ability, shift times, and other issues unrelated to gender. These differentials would apply to males just as they would to females. H.5261 dramatically changes the work world by requiring employers to not only look at equal work but “**comparable work**.” H.5261 also extends this wage payment system to religion, sexual orientation, gender identity, age (41+) and ancestral origin.

Under this bill, if a wage differential exists, and the employer does not have a seniority or merit system written policy, the burden to prove that the differential is legal shifts to the employer. That burden can only be overcome by proving the following:

1. The reason for the differential is for some reason other than race, color, religion, sex, sexual orientation, gender identity or expression, disability, age, or ancestral origin;

2. The reason is job-related to the position in question; AND

3. It is a “business necessity” which means essential to effective job performance; *however, if the employee can demonstrate that an alternative exists to the pay differential and the employer refused to accept the alternative then the employer loses the case*.

If the employer fails to prove all three requirements to the Department of Labor and Training, the employee is entitled to unpaid wages – meaning whatever the other employee was getting paid – compensatory damages and liquidated damages up to three times the amount of unpaid wages and benefits deemed to be owed.

H.5584, An Act Related to Labor and Labor Relations – Unlawful Employment Practices, bars employers from asking potential employees for salary history before an offer of employment has been negotiated. An employee can voluntarily provide the information. The bill states that time out of work due to pregnancy leave or family and medical leave cannot be considered when determining seniority. Lastly, it gives employers an affirmative defense to an employee’s complaint, if that employer conducted a self-evaluation of pay practices within the previous three years and can demonstrate reasonable progress in eliminating wage differentials.

H.5718, and H.5853 Acts Relating to Labor and Labor Relations – Fair Employment Practices, forbid an employer to require an employee, as a condition of employment, to execute a nondisclosure agreement or an agreement with a clause that requires alleged violations of civil rights remain confidential, or a non-disparagement agreement concerning alleged violations of civil rights or alleged unlawful conduct. Any contract provision in violation of this subsection shall be void as a violation of public policy. These bills are identical.

H.5852, An Act Relating to Labor and Labor Relations – Fair Employment Practices, prohibits an employer, from directly or indirectly committing any act declared to be an unlawful employment practice. Individual employees (including HR managers) or employers committing any act declared to be unlawful employment practice may be held personally liable for such conduct in addition to the employer.

|  |  |  |
| --- | --- | --- |
| |  | | --- | | If you wish to submit written testimony on any of these bills, send it (in pdf form) to:  [**HouseLabor@rilegislature.gov**](mailto:HouseLabor@rilegislature.gov)Indicate your name, bill number, (for/against/neither) at top of message. Due to high volume, clerks are not screening this inbox for verbal testimony requests. This inbox is for written testimony only. Written testimony must be submitted by 3:30 pm on Wednesday.  If you wish to verbally testify on a bill, you must fill out a form by 4:00pm on Tuesday, March 16th.  For verbal testimony requests, [CLICK HERE](https://forms.office.com/Pages/ResponsePage.aspx?id=LBHmn1akN0aJ3A8oTO_8ZpR-enp9FkxEjcJIbBjmg-tUQlhFNjZEWFJRWlAxWTI5UEZJUlhOVUdSRS4u) | |  | |
|  |
|  |

**Governor McKee Release FY2022 Budget**

UTD will be featuring summaries of the budget articles contained in Governor McKee’s $11.1 billion budget released last Thursday. As with everything else in these COVID-19 related times, the Governor’s budget is different this year. The budget is much smaller and contains less programmatic initiatives. However, keep in mind that this budget was developed in a very short time frame, and was submitted prior to the federal government passing a stimulus package that provides assistance to state and local governments. That said, it does lay out a basis for the start of the budget discussion. There are no broad-based tax increases in the bill and it does continue the phase-out of the Rhode Island car tax. Of particular interest to the business community is a decoupling of the state income tax from the federal income tax in the treatment of PPP loans/grants. Congress voted to declare the loans/grants tax-free; Governor McKee’s budget seeks to declare PPP over $150,000 as taxable to the state. Estimates suggest the state could re-capture approximately $133 million in tax revenue by decoupling for this purpose. The link to H.6122 can be found below.

The following new bills have been filed:

House Bill No. [6064](http://webserver.rilin.state.ri.us/BillText/BillText21/HouseText21/H6064.pdf) (Secretary of State) Caldwell**,**AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS, AND PARTNERSHIPS -- MERGER AND CONSOLIDATION (Amends the Rhode Island Nonprofit Corporation Act regarding consolidation and merger.) [H6064.pdf (state.ri.us)](http://webserver.rilin.state.ri.us/BillText/BillText21/HouseText21/H6064.pdf)

House Bill No. [6073](http://webserver.rilin.state.ri.us/BillText/BillText21/HouseText21/H6073.pdf) Henries, Lombardi, Alzate, Morales**,**AN ACT RELATING TO PROPERTY – RESIDENTIAL RENT AND MORTGAGE CANCELLATION ACT OF 2021 (Forgives rent for tenants and mortgage payments for small homeowners from the date of a declared health emergency by the governor until the expiration of ninety (90) days after the governor declares that the state of emergency has ended.) [H6073.pdf (state.ri.us)](http://webserver.rilin.state.ri.us/BillText/BillText21/HouseText21/H6073.pdf)

House Bill No. [6085](http://webserver.rilin.state.ri.us/BillText/BillText21/HouseText21/H6085.pdf) Morgan**,**AN ACT RELATING TO COURTS AND CIVIL PROCEDURE--PROCEDURE GENERALLY -- CAUSES OF ACTION (Grants immunity from civil liability and professional disciplinary action for any action or inaction arising out of a disaster or declared emergency, when acting in good faith.) [H6085.pdf (state.ri.us)](http://webserver.rilin.state.ri.us/BillText/BillText21/HouseText21/H6085.pdf)

House Bill No. [6090](http://webserver.rilin.state.ri.us/BillText/BillText21/HouseText21/H6090.pdf) Kazarian**,**AN ACT RELATING TO LABOR AND LABOR RELATIONS -- TEMPORARY DISABILITY INSURANCE -- BENEFITS (Increases temporary caregiver benefits to six (6) weeks in a benefit year starting January 1, 2022 and would increase temporary caregiver benefits to eight (8) weeks in a benefit year beginning January 1, 2023.) [H6090.pdf (state.ri.us)](http://webserver.rilin.state.ri.us/BillText/BillText21/HouseText21/H6090.pdf)

House Bill No. [6119](http://webserver.rilin.state.ri.us/BillText/BillText21/HouseText21/H6119.pdf) McEntee, Costantino, Caldwell, Cortvriend, Phillips, Carson, Cassar, Giraldo, Casimiro, Slater**,**AN ACT RELATING TO TOWNS AND CITIES -- SMALL BUSINESSES--ZONING ORDINANCES (Imposes one year moratorium on enforcement of municipal ordinance or zoning requirement that penalizes owners of food service establishments/bars for modifications/alternations to their premises in response to an emergency declaration.) [H6119.pdf (state.ri.us)](http://webserver.rilin.state.ri.us/BillText/BillText21/HouseText21/H6119.pdf)

House Bill No. [6122](http://webserver.rilin.state.ri.us/BillText/BillText21/HouseText21/H6122.pdf) (Governor) Abney**,**AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2022 [H6122.pdf (state.ri.us)](http://webserver.rilin.state.ri.us/BillText/BillText21/HouseText21/H6122.pdf)

Senate Bill No. [549](http://webserver.rilin.state.ri.us/BillText/BillText21/SenateText21/S0549.pdf) Cano, McCaffrey, Goodwin, Euer, Kallman, Acosta, Seveney, Mack**,**AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- STATE PURCHASES (Provides an exception to competitive bidding for local, minority and woman-owned businesses. Provides a waiver of compliance to contractors for the inclusion of minority-owned businesses in all procurements and construction projects.) [S0549.pdf (state.ri.us)](http://webserver.rilin.state.ri.us/BillText/BillText21/SenateText21/S0549.pdf)

Senate Bill No. [568](http://webserver.rilin.state.ri.us/BillText/BillText21/SenateText21/S0568.pdf) Miller, McCaffrey, Goodwin, Ruggerio, Coyne, Felag, DiPalma, Sosnowski, Pearson, Acosta**,**AN ACT RELATING TO FOOD AND DRUGS -- CANNABIS AUTHORIZATION, REGULATION AND TAXATION (Establishes Cannabis Control Commission to regulate all aspects of cannabis production and distribution.) [S0568.pdf (state.ri.us)](http://webserver.rilin.state.ri.us/BillText/BillText21/SenateText21/S0568.pdf)

Senate Bill No. [580](http://webserver.rilin.state.ri.us/BillText/BillText21/SenateText21/S0580.pdf)  Picard**,**AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO TAXATION (Amends the classification of manufacturing machinery that is eligible for a property tax exemption by eliminating the requirement that the machinery be new.) [S0580.pdf (state.ri.us)](http://webserver.rilin.state.ri.us/BillText/BillText21/SenateText21/S0580.pdf)

Senate Bill No. [583](http://webserver.rilin.state.ri.us/BillText/BillText21/SenateText21/S0583.pdf)  DiPalma, Seveney**,**AN ACT RELATING TO STATUTES AND STATUTORY CONSTRUCTION -- PAYMENT OF STATUTORY FEES (Allows state departments and agencies to implement electronic filing of applications for licenses, permits, registrations, certificates and functions by allowing a vendor to withhold a commission for implementing the system for electronic filing.) [S0583.pdf (state.ri.us)](http://webserver.rilin.state.ri.us/BillText/BillText21/SenateText21/S0583.pdf)

Senate Bill No. [605](http://webserver.rilin.state.ri.us/BillText/BillText21/SenateText21/S0605.pdf) Euer, Miller, Lawson, Acosta, Quezada, DiMario, Valverde, Bell**,**AN ACT RELATING TO LABOR AND LABOR RELATIONS - THE FAIR CHANCE EMPLOYMENT ACT (Prohibits employers from conducting a background check until after a conditional employment offer is made, and prohibit considering convictions.) [S0605.pdf (state.ri.us)](http://webserver.rilin.state.ri.us/BillText/BillText21/SenateText21/S0605.pdf)

Senate Bill No. [610](http://webserver.rilin.state.ri.us/BillText/BillText21/SenateText21/S0610.pdf)  Calkin, Anderson, Acosta, Bell, Goldin, Mack, Mendes**,**AN ACT RELATING TO LABOR AND LABOR RELATIONS -- MINIMUM WAGES (Requires employers with 50 or more employees to pay "hazard pay" to employees involved in providing essential services during a declared public health emergency.) [S0610.pdf (state.ri.us)](http://webserver.rilin.state.ri.us/BillText/BillText21/SenateText21/S0610.pdf)

Senate Bill No. [611](http://webserver.rilin.state.ri.us/BillText/BillText21/SenateText21/S0611.pdf) Cano, DiMario, Quezada, Lombardi, Lawson, Goldin, Murray, Seveney, Miller, Euer**,**AN ACT RELATING TO LABOR AND LABOR RELATIONS -- RHODE ISLAND PARENTAL AND FAMILY MEDICAL LEAVE ACT (Increases the amount of parental or family leave available to an employee from thirteen (13) weeks to twenty-six (26) weeks in any two (2) calendar years.) [S0611.pdf (state.ri.us)](http://webserver.rilin.state.ri.us/BillText/BillText21/SenateText21/S0611.pdf)

Senate Bill No. [612](http://webserver.rilin.state.ri.us/BillText/BillText21/SenateText21/S0612.pdf)  Goldin, Goodwin, Cano, Mendes, Mack, Murray**,**AN ACT RELATING TO LABOR AND LABOR RELATIONS -- HEALTHY AND SAFE FAMILIES AND WORKPLACES ACT (Requires an employer to provide employees with additional paid sick leave time, in addition to paid sick and safe leave time, for COVID-19 purposes.) [S0612.pdf (state.ri.us)](http://webserver.rilin.state.ri.us/BillText/BillText21/SenateText21/S0612.pdf)

Senate Bill No. [613](http://webserver.rilin.state.ri.us/BillText/BillText21/SenateText21/S0613.pdf)  Ruggerio, McCaffrey, Goodwin, Ciccone, Lombardo, Lombardi, Pearson, Lawson, DiPalma**,**AN ACT RELATING TO LABOR AND LABOR RELATIONS -- REAL JOBS RHODE ISLAND ACT (Establishes the real jobs Rhode Island program in order to create an industry led system to advance the skills of the state's workforce, grow the state's economy and increase sustainable employment for middle class working families.) [S0613.pdf (state.ri.us)](http://webserver.rilin.state.ri.us/BillText/BillText21/SenateText21/S0613.pdf)