**An Update from the State House**

For those who have been around the State House for a long time, the legislative activity level has made March feel like a political May. Many of the House committees completed hearings on all of the original inventory of bills filed before the bill filing deadline. The House Finance Committee completed hearings on all of the Governor’s budget articles, leaving only hearings on the Departments’ budgets for future days. Of course a number of bills have been filed since the deadline (see below for the myriad of bills filed last week), but still both the House and Senate appear to be ahead of their historical schedules. What that means, is anyone’s guess.

**Naxolone in Public Places**

Last week, the House Committee on Health, Education and Welfare listened to proponents and opponents discuss a bill to require “public places,” capable of holding 100 or more people, to keep on site “functional” naloxone boxes with a supply of the drug and one person trained to administer the drug. The bill does include a “Good Samaritan” clause to attempt to protect entities and individuals who provide or administer the drug. However, some outstanding issues remain.

* + - * The cost of the product is roughly $20-$40 per box. Federal law requires each box to have an expiration date of one year after the date of the prescription, so businesses would be required to keep track of that expiration date or run afoul of the law (“functional” box) as well as potential lawsuits since a court could consider an expired box as gross negligence.
      * The drug has to be injected into the thigh or upper arm; or sprayed into the nostril. Employees may feel uncomfortable performing these tasks.
      * And the other concern for businesses is that individuals under the influence of an overdose many times become violent as they come back to consciousness. When in the field, first responders are sometimes asked to hold the victim down as the drug is administered to avoid getting hurt themselves. If an employee or employees administer the drug and get hurt in the process, it is unclear whether will the employer’s workers’ compensation be required to cover the injury.

**Senate Labor Takes Up Employer Assessment**

On **Tuesday, March 26th at the Rise** (approximately 4:30 p.m.) in **room 313**, the Senate Finance Committee will take testimony on **Article 16** of the Governor’s budget. Section 4 of this article is the **employer assessment** for each employee – full or part time – that utilizes Medicaid for insurance. It applies to companies with 300 or more employees. An employer in this category would be assessed 10% of the employee’s wages, up to $1500, a year to be paid quarterly. **If this is of concern to your business, please contact your Senator and/or attend the hearing.**

**House Labor to Hear Pay Equity Bill**

On **Wednesday, March 27th, at the Rise** (approximately 4:30 p.m.) in **room 203**, the House Labor Committee will take testimony on **H. 5659**, what has been referred to as the “pay equity” bill.

This bill, while well intentioned, sets a legal trap for businesses. It dramatically changes the work world by requiring employers to pay employees the same - not only for “equal work” but for “**comparable work.”**

Under H.5659, 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.

This year’s bill does include an allowance for pay differentials due to education, travel requirements, training, or shift differential (these are positive changes over last year’s bill)

If the employer fails to prove all three requirements to the Department of Labor and Training then 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. There is also and additional penalty paid to the DLT - $2500 for the first violation; $3000 for the second violation; $5000 for subsequent violations. The language does provide for some flexibility to lower the fine for small businesses and good faith efforts which includes conducting a wage audit every 3 years.

Finally, the bill allows employers to ask for wage history but they cannot rely on the history when establishing the employee’s wage. In reality, this means no employer should ask for wage history.

The following bills were filed last week:

House Bill No. [5857](http://webserver.rilin.state.ri.us/BillText/BillText19/HouseText19/H5857.pdf) Marszalkowski, Morin, Vella-Wilkinson**,**AN ACT RELATING TO LABOR AND LABOR RELATIONS - TEMPORARY DISABILITY INSURANCE - CONTRIBUTIONS (Permits employees who are covered by employer sponsored disability insurance programs to elect to be exempt from the state temporary disability insurance program, provided the employer has submitted documentation to the director confirming such coverage.)

House Bill No. [5869](http://webserver.rilin.state.ri.us/BillText/BillText19/HouseText19/H5869.pdf) Bennett, Handy, Kislak, Donovan, Carson**,**AN ACT RELATING TO HEALTH AND SAFETY -- ECONOMIC AND CLIMATE RESILIENCE ACT OF 2019 (Establishes a fee on companies that sell fossil fuels in Rhode Island for consumption or distribution within the state and establishes an "economic and climate resilience fund" to disburse the collected funds.)

House Bill No. [5886](http://webserver.rilin.state.ri.us/BillText/BillText19/HouseText19/H5886.pdf) O'Brien, Amore, Corvese, Ucci, Morin**,**AN ACT RELATING TO CRIMINAL OFFENSES -- GAMBLING AND LOTTERIES (Allows social gaming in private residences and in public taverns or private clubs so long as the gambling is incidental to a bona fide social relationship between the participants and only participants receive anything of value.)

House Bill No. [5892](http://webserver.rilin.state.ri.us/BillText/BillText19/HouseText19/H5892.pdf) Edwards, Kennedy, Casimiro, Cortvriend, Cassar**,**AN ACT RELATING TO HOLIDAYS AND DAYS OF SPECIAL OBSERVANCE (Expands definition of "employee" to include a caterer licensed by the department of health and division of taxation and food truck.)

Senate Bill No. [643](http://webserver.rilin.state.ri.us/BillText/BillText19/SenateText19/S0643.pdf) Goldin, Miller, Satchell, Valverde, Lawson**,**AN ACT RELATING TO LABOR AND LABOR RELATIONS -- TEMPORARY DISABILITY INSURANCE (Increases tax wage base for contributions to TDI /TCI, expands eligibility, increases benefit rates, adds sibling and grandchild in coverage benefits, increases temp caregiver weeks, and institutes fines for not reinstating an employee who uses program.)

Senate Bill No. [653](http://webserver.rilin.state.ri.us/BillText/BillText19/SenateText19/S0653.pdf) Gallo, Goodwin, Pearson, Quezada, Satchell**,**AN ACT RELATING TO EDUCATION - SCHOOL COMMITTEES AND SUPERINTENDENTS (Establishes courses that include instruction in career and technical education programs.)

Senate Bill No. [658](http://webserver.rilin.state.ri.us/BillText/BillText19/SenateText19/S0658.pdf) Euer, McCaffrey, Sosnowski, Goodwin, Conley**,**AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- RHODE ISLAND GLOBAL WARMING SOLUTIONS ACT (Establishes the Rhode Island global warming solutions act to reduce carbon emissions across various sectors of the local economy.)

Senate Bill No. [662](http://webserver.rilin.state.ri.us/BillText/BillText19/SenateText19/S0662.pdf) Sosnowski, McCaffrey, Conley, Euer, Goldin**,**AN ACT RELATING TO HEALTH AND SAFETY -- ECONOMIC AND CLIMATE RESILIENCE ACT OF 2019 (Establishes a fee on companies that sell fossil fuels in Rhode Island for consumption or distribution within the state and establishes an "economic and climate resilience fund" to disburse the collected funds.)

Senate Bill No. [679](http://webserver.rilin.state.ri.us/BillText/BillText19/SenateText19/S0679.pdf) Goodwin**,**AN ACT RELATING TO INSURANCE -- ACCIDENT AND SICKNESS INSURANCE POLICIES (Prohibits cost sharing for persons forty-five (45) years or older for colorectal screening examinations, laboratory tests and colonoscopies covered by health insurance policies.)

Senate Bill No. [687](http://webserver.rilin.state.ri.us/BillText/BillText19/SenateText19/S0687.pdf) Ruggerio, Lombardi, McCaffrey, Goodwin, Pearson**,**AN ACT RELATING TO HEALTH AND SAFETY - STATE BUILDING CODE - NEW BUILDINGS AND STRUCTURES (Allows a contractor or builder to hire a qualified third-party assistant or state inspector to perform an inspection if a building official fails to perform an inspection within forty-eight (48) hours after notification.)

Senate Bill No. [690](http://webserver.rilin.state.ri.us/BillText/BillText19/SenateText19/S0690.pdf) Crowley, McCaffrey**,**AN ACT RELATING TO HEALTH AND SAFETY - STATE BUILDING CODE (Amends the number of communities who may combine to appoint a building official and prohibits requiring a building official to perform duties not in the building code when building code duties are pending.)

Senate Bill No. [698](http://webserver.rilin.state.ri.us/BillText/BillText19/SenateText19/S0698.pdf) Goodwin**,**AN ACT RELATING TO LABOR AND LABOR RELATIONS -- RHODE ISLAND NONCOMPETITION AGREEMENT ACT (Creates a comprehensive statutory scheme to address all aspects of noncompetition agreements.)

Senate Resolution No. [711](http://webserver.rilin.state.ri.us/BillText/BillText19/SenateText19/S0711.pdf) Lawson, Nesselbush, Metts, Murray, Valverde**,**SENATE RESOLUTION RESPECTFULLY REQUESTING THE GOVERNOR’S WORKFORCE BOARD TO WORK WITH THE RHODE ISLAND DEPARTMENT OF LABOR AND TRAINING TO DEVELOP A REPORT ON THE FEASIBILITY OF EXPANDING NON-TRADE REGISTERED APPRENTICESHIP PROGRAMS IN RHODE ISLAND

Senate Bill No. [713](http://webserver.rilin.state.ri.us/BillText/BillText19/SenateText19/S0713.pdf) Ciccone, Miller, Goodwin, McCaffrey, Lynch Prata**,**AN ACT RELATING TO PROPERTY AND WORKS - LABOR AND PAYMENT OF DEBTS BY CONTRACTORS (Requires builders on state public school contracts $5,000,000 or more to have 15% of the labor performed by apprentices, and sets forth other consequential requirements for such contracts.)

Senate Bill No. [714](http://webserver.rilin.state.ri.us/BillText/BillText19/SenateText19/S0714.pdf) Coyne, Conley, Sosnowski, Sheehan, McKenney**,**AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- GOVERNOR'S WORKFORCE BOARD RHODE ISLAND (Requires the workforce board to fund a non-trade apprenticeship incentive program in fisheries.)

Senate Bill No. [722](http://webserver.rilin.state.ri.us/BillText/BillText19/SenateText19/S0722.pdf) Metts, Goodwin, Miller**,**AN ACT RELATING TO TOWNS AND CITIES -- HOUSING MAINTENANCE AND OCCUPANCY CODE (Places responsibility on landlords to house evicted tenants due to landlord neglect/gives cities/towns revolving fund account flexibility/allows municipal lien similar to property taxes for action against property.)

Senate Bill No. [725](http://webserver.rilin.state.ri.us/BillText/BillText19/SenateText19/S0725.pdf) Ciccone**,**AN ACT RELATING TO LABOR AND LABOR RELATIONS -- MECHANICAL TRADES (Adds thermal systems insulation workers, apprentices, journeypersons, contractors and masters to the mechanical trades' regulation chapter of the general laws.)

Senate Bill No. [726](http://webserver.rilin.state.ri.us/BillText/BillText19/SenateText19/S0726.pdf) Cano, Goodwin, Ciccone, Lombardi, Goldin**,**AN ACT RELATING TO LABOR AND LABOR RELATIONS -- APPRENTICESHIPS (Comprehensively amends the state's apprenticeship laws to make them easier to understand and be more consistent with each other and applicable federal regulations.)

Senate Bill No. [727](http://webserver.rilin.state.ri.us/BillText/BillText19/SenateText19/S0727.pdf) Lombardi, Lombardo, Ciccone, Archambault, McCaffrey**,**AN ACT RELATING TO LABOR AND LABOR RELATIONS -- MECHANICAL TRADES (Allows the holder of a valid master mechanical trade license to perform repair or renovation work on certain large air conditioning equipment but must subcontract the work if it includes new construction.)