**An Update from the State House**

**What’s Going On This Week**

**Senate Labor Committee Passes Comparable Pay & House Labor Schedules Hearing**

The Senate Labor Committee recommended passage S.2475 SubA unanimously last week (with a few amendments to the original bill). The House Labor Committee has scheduled the House version - H.7427 – for a hearing Thursday, April 12th at approximately 4:30 pm in room 205 at the state house.

These bills states, “No employer shall pay any of its employees at a wage rate less than the rate paid to employees of another race or color, religion, sex, sexual orientation, gender identity or expression, disability, age (40+), or country of ancestral origin for comparable work.” Comparable work means “work requires comparable skill, effort and responsibility, and is performed under similar working conditions.”

An employer can pay employees differently if the differential is based on: (1) seniority, (2) a merit system, (3) a system that measures earnings by quantity or quality of production or is a bona fide factor such as travel, or a business necessity. However – and it’s a big however – if the employee can show that an alternative to the business practice exists that would serve the same business purpose, and the business refuses to adopt this alternative, then the wage differential is unacceptable and the employer is in violation of the law.

Employers cannot ask for wage history at the time of an interview or at the time of offering a job. An employee can offer his/her wage history voluntarily at the time a final salary is being negotiated.

Employers cannot lower anyone’s wages in order to meet the equal pay requirement. Wages can only be increased.

Any employee that successfully challenges his/her wages is entitled to unpaid back wages, benefits, other compensatory damages and liquidated damages equal to *three times* the unpaid wages and benefits owed. An employer who asks for salary history can be on the hook for up to $10,000 in special damages and punitive damages if the asking was deemed to have been done with malice or reckless indifference.

One amendment to the Senate bill allows the Department of Labor and Training or the court to lower any penalties assessed on an employer if the employer conducted a “fair pay analysis of the employer’s pay practices” within 3 years of the date an employee files a complaint. The analysis must be (1) reasonable in detail and in scope based on the size of the employer, and (2) the analysis had to cover the protected class of the employee that filed the complaint; (3) the employer must have eliminated ay wage differential; and (4) the employer must collect data every year on the wages paid to employees broken down by gender, age, ethnicity, etc.

**House Labor to Hear Minimum Wage Hike**

On Thursday, April 12th the House Labor Committee will also be taking testimony on **H.7636** (Reps. Ranglin-Vassell, Regunberg, Ajello, Hull and Bennett) which increases the minimum wage to $11 per hour as of January 1, 2019, and raises the wage every January 1st thereafter by $1 per hour until the wage reaches $15 per hour on January 1, 2023. The wage would then increase every year based on the CPI index. H.7636 also increases the tipped wage to $5 per hour starting January 1, 2019 and increase $1.25 every year thereafter until it matches the minimum wage. This change would likely lead to the adoption of the European model for restaurants where tipping is not permitted. **The Chamber opposes the passage of H.7636.**

**Senator Labor Looks at Hoisting Engineer Apprenticeship Requirement**

**S.2620** is on the list of bills to be discussed at the Senate Labor Committee Wednesday, April 11th at approximately 4:30 in room 212. This bill by Senators Ciccone, P Fogarty, Lombardi, and Nesselbush would require hoisting engineers to complete a 6,000 hour on-the-job training program as well as 432 hours of classroom training prior to obtaining a hoisting engineer’s license. This new apprenticeship program governed by the Department of Labor, would not be required for those individuals with “restricted licenses,” or for individuals operating aerial lifts and hoisting equipment used in the assembly of elevators.

The following bills were filed last week:

Senate Bill No. [2790](http://webserver.rilin.state.ri.us/BillText/BillText18/SenateText18/S2790.pdf)

**BY**  Morgan, Paolino

**ENTITLED,**AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - BREACH OF PERSONAL INFORMATION NOTIFICATION ACT (Establishes procedures to notify individuals of any breaches of their unencrypted personal information and penalties for any violation.)

Senate Bill No. [2806](http://webserver.rilin.state.ri.us/BillText/BillText18/SenateText18/S2806.pdf)

**BY**  McCaffrey

**ENTITLED,**AN ACT RELATING TO LABOR AND LABOR RELATIONS - EMPLOYMENT SECURITY - BENEFITS (Increases the maximum weekly unemployment benefit rate to the higher of fifty-seven and one-half percent (57.5%) of the average weekly wages paid to workers in the prior calendar year or six hundred sixteen dollars ($616) per week.)