

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DIVISION OF WORKFORCE REGULATION AND SAFETY  
LEGAL NOTICE OF PROMULGATION OF RULES

The Department of Labor and Training, under the authority granted by Chapter 3-7 of Title 25 of the General Laws of Rhode Island, 1956, as amended, granted the Director of the Department of Labor and Training the power to adopt, amend, modify and reject general and special rule and regulations under Chapter 35 of Title 42 of the General Laws of Rhode Island, as amended, proposes:

The amendment of existing Rules as follows:

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

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.

Copies of the aforementioned proposed amendments to the Rules are available for public inspection at the Rhode Island Department of Labor and Training, Division of Workforce Regulation and Safety, 70-2, 1511 Pontiac Avenue, Cranston, RI 02920 between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday.

In the development of the proposed amendments, consideration was given to (1) alternative approaches; (2) overlap and supplication with other statutory regulatory provisions; and (3) significant economic impact on small business 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 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 Josseph Degnan, Assistant Director, Workforce Regulation and Safety, 1511 Pontiac Avenue, Cranston, RI 02920.

In accordance with Rhode Island General Laws , Section 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 January 7, 2013 at 3:00 pm. at the Department of Labor and Training, Division of Workforce Regulation and Safety, Bldg 70-2, and 1511 Pontiac Avenue, Cranston, RI 02920.

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
RI DEPARTMENT OF LABOR AND TRAINING  
DIVISION OF WORKFORCE REGULATION AND SAFETY**

**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:

**Rule 8:**

Adds employers of certain Federally Certified Maintenance Technicians to the list of employers exempt from receiving Sunday and holiday premium pay.