

## **DEPARTMENT OF LABOR AND TRAINING**

### **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.