



Rhode Island Society for Human Resource Management State Chapter

Statement of

Francesco A. DeLuca, Esq., Director of Legislative Affairs

On behalf of the Rhode Island Society for Human Resource Management State Chapter

Submitted to the House Committee on Labor

**H 7789 -- AN ACT RELATING TO LABOR AND LABOR RELATIONS -- HEALTHY
AND SAFE FAMILIES AND WORKPLACES ACT**

March 4, 2024

To the Honorable Members of the House Committee on Labor:

My name is Francesco A. DeLuca, Esq. I am a member of the law firm of Epstein Becker & Green, P.C., where I practice labor and employment law. Since 2023, I have had the honor of serving in the role of Director of Legislative Affairs for the Rhode Island Society for Human Resource Management State Chapter (“RI SHRM”).

RI SHRM is an affiliate of the Society for Human Resource Management, the world’s largest HR professional society representing more than 300,000 members in more than 165 countries. RI SHRM is a volunteer organization representing the interests of more than 500 human resource professionals throughout the State of Rhode Island. Our members are a cross-section of the Rhode Island economy, coming from such diverse sectors such as education, government, healthcare, hospitality and customer service, manufacturing, non-profit, professional services, small business, and technology. Through our exceptional programming and our legislative advocacy efforts over the years, we have become the trusted voice of the Rhode Island HR and business communities.

On behalf of our members, I am grateful for the opportunity to provide the House Committee on Labor with this written testimony in opposition to **H 7789 -- An Act Relating to Labor and Labor Relations -- Minimum Wages -- Healthcare Worker Overtime Pay.**

While RI SHRM recognizes and appreciates the services healthcare workers provide to Rhode Islanders, the General Assembly should not saddle healthcare employers with an obligation to pay premium pay on Sundays and holidays. Rhode Island has traditionally excluded healthcare workers from its Sunday and holiday pay law. (R.I. Gen. Laws § 25-3-1(3)(ii), (iii).) And that makes sense for two reasons. First, hospitals, many of which are non-profit organizations, have low or even negative operating margins. (Definitive Healthcare, *A Look at Hospital Operating Margins in the United States* (Dec. 15, 2022), <https://www.definitivehc.com/resources/healthcare-insights/hospital-operating-margins-united-states>.) Second, employers in healthcare have to operate 24 hours per day, seven days per week,

365 days per year. Simply put, healthcare employers cannot restructure their operations to give employees Sundays and holidays off. Seeking to balance this reality with the inconvenience working on a Sunday or holiday may pose for an employee, employers in the healthcare industry have usually provided additional compensation for Sunday and holiday work, typically in the form of shift differentials. **The General Assembly should not impose the costs of Sunday and holiday pay on healthcare employers, particularly given that healthcare employers have long been exempt from Sunday and holiday pay requirements.**

Thank you for your time and consideration, and please feel free to contact me to continue this important conversation.

Respectfully submitted by:

/s/ Francesco A. DeLuca

Francesco A. DeLuca, Esq.
Director of Legislative Affairs
Rhode Island Society for Human Resource Management State Chapter (RI SHRM)
ri.shrm.legislative@gmail.com
(401) 965-5775