



Director's Office

One Capitol Hill | Providence, RI 02908 | (401) 222-2280

Jonathan Womer, Director

February 12, 2025

House Committee on Labor
Rhode Island State House
82 Smith Street
Providence, RI 02903

Re: 5187 – AN ACT RELATING TO LABOR RELATIONS AND THE LABOR BOARD

Dear Chairperson Corvese,

Thank you for the opportunity to provide comment on House Bill No. 5187. Although the Division of Human Resources (Division) within the Department of Administration recognizes the intention of this legislation is to support the relationship between management and labor unions in the State, the Division has a number of concerns regarding this bill.

While this may not be the intent, the Division interprets the proposed legislation to vastly expand the definition of “employees” to include independent contractors, staffing agency “temps,” and other currently non-unionized individuals (28-7-3(iii)). Under this interpretation, the state may have to include independent contractors in relevant unions and therein collective bargaining provisions would apply, increasing cost and administrative burden for the state and undermining the professional state government workforce.

Additionally, the bill proposes several changes to the board’s administrative review process that could impact timeliness and consistency of findings, as well as add unnecessary complexity to a complaint or petition:

1. The bill proposes to revise the current Unfair Labor Practice (ULP) process by adding an additional layer to the process that negatively impact both the time it takes for a complaint to be heard and the expense of the process. Under the proposed amendments, the complaint will first be heard by a hearing officer at an evidentiary hearing (28-7-9(b)(6)). The hearing officer is to provide written findings of fact and a determination *at an unspecified time following the hearing*. After the hearing officer’s issuance of a decision, either party may then request a paper review of the charge by the full Board;
2. The bill also proposes several other unnecessary and potentially costly and time-consuming measures for the State, such as:
 - a. Expanding the powers of the Board to include the ability to issue an order for temporary injunctive relief (28-7-20(b));
 - b. Removing the election of remedies defense, which would permit the Board to hear pending grievances already filed through the traditional



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grievance process. (28-7-9(b)(7)) This would enable a party to have a second "bite at the apple" and potentially double the time it takes to address and resolve a union grievance; and

- c. Lastly, the proposed language could greatly increase the cost of resolving labor disputes through the Labor Board by including interest to any awarding of back pay, and the awarding of attorneys' fees and costs as part of a make whole remedy (28-7-22(ii) and (v)). The bill also mandates fines (up to \$1000 *per affected employee*) to an employer found to have committed an Unfair Labor Practice (28-7-20(b)); since the fines would be deposited in the general fund, any fine to the state would be considered a transfer.

The Division appreciates the opportunity to share its concerns with the Committee. If there are any questions, please feel free to contact my office at your convenience.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Wilson".

Jennifer Wilson
Executive Director, Division of Human Resources
Department of Administration

cc: The Honorable Members of the House Committee on Labor
Nicole McCarty, Esq. Chief Legal Counsel to the Speaker of the House