

RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING

AGENCY: Department of Labor and Training

DIVISION: Workforce Regulation and Safety

RULE IDENTIFIER: 260-RICR-30-05-3

REGULATION TITLE: Industrial Homework

RULEMAKING ACTION: Proposed Rulemaking

TYPE OF FILING: Amendment

TIMETABLE FOR ACTION ON THE PROPOSED RULE:

Public notice date of: July 13, 2018

Comment period ends: August 13, 2018

SUMMARY OF PROPOSED RULE:

By this rulemaking, the Department is proposing to:

1. Revise to comply with the RICR formatting and codification guidelines.
2. Correct statutory citations.
3. Streamline and clarify content to avoid confusion in §§ 6.3.2; 6.3.3; 6.3.4; and; 6.3.5.

COMMENTS INVITED:

All interested parties are invited to submit written or oral comments concerning the proposed regulations by **August 13, 2018** to the addresses listed below.

ADDRESSES FOR PUBLIC COMMENT SUBMISSIONS:

Mailing Address: Sean M. Fontes, Executive Counsel, Department of Labor and Training, 1511 Pontiac Avenue, Cranston, RI 02920

Email Address: sean.fontes@dlt.ri.gov

WHERE COMMENTS MAY BE INSPECTED:

Mailing Address: Department of Labor and Training, 1511 Pontiac Avenue, Cranston, RI, 02920.

PUBLIC HEARING INFORMATION:

Public Hearing Date & Time: July 27, 2018 from 1:00 pm to 2:30 pm

Public Hearing Location: Department of Labor and Training, 1511 Pontiac Avenue, Cranston, RI, 02920, Conference Room 73-1

THE PLACE OF THE PUBLIC HEARING IS ACCESSIBLE TO THE HANDICAPPED. IF COMMUNICATION ASSISTANCE (READERS/ INTERPRETERS/CAPTIONERS) IS NEEDED, OR ANY OTHER ACCOMMODATION TO ENSURE EQUAL PARTICIPATION, PLEASE CALL 401-462-8000 OR RI RELAY 711 AT LEAST THREE (3) BUSINESS DAYS PRIOR TO THE MEETING SO ARRANGEMENTS CAN BE MADE TO PROVIDE SUCH ASSISTANCE AT NO COST TO THE PERSON REQUESTING.

FOR FUTHER INFORMATION CONTACT:

Sean M. Fontes, Executive Counsel, Department of Labor and Training, 1511 Pontiac Avenue, Cranston, RI 02920, 462-8890, sean.fontes@dlt.ri.gov

SUPPLEMENTARY INFORMATION:

Regulatory Analysis Summary and Supporting Documentation:

It is beneficial for the public to be fully informed of regulatory enforcement of the uncontrolled continuance of industrial homework where wages are notoriously low and working conditions endanger the health of the worker, the protection of factory industries, which must operate in competition with homework and of the workers employed in homeworking and of the public interest of the community at large in their health and well being.

Authority for This Rulemaking: § 28-18-6

Regulatory Findings:

In the development of the proposed adoption consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

Concise Summary of Non-Technical Changes:

1. Revise to comply with the RICR formatting and codification guidelines.
2. Correct statutory citations.
3. Streamline and clarify content to avoid confusion in §§ 6.3.2; 6.3.3; 6.3.4; and; 6.3.5.

Date Notice Was Posted: July 13, 2018

The Proposed Adoption:

Department of Labor and Training proposes to adopt the proposed rule as follows:

260-RICR-30-05-3

TITLE 260 – DEPARTMENT OF LABOR AND TRAINING

CHAPTER 30 – WORKFORCE REGULATION AND SAFETY

SUBCHAPTER 05 – LABOR STANDARDS

PART 3 – Industrial Homework

3.1 Authority

This Part is promulgated pursuant to R.I. Gen. Laws § 28-18-6.

3.2 Purpose

The purpose of this Part is to regulate the uncontrolled continuance of industrial homework where wages are notoriously low and working conditions endanger the health of the worker, the protection of factory industries, which must operate in competition with homework and of the workers employed in homeworking and of the public interest of the community at large in their health and well-being.

3.3 Definitions

A. Whenever used in this Part, the following terms shall be construed as follows:

1. "Contract or job shop" means a business operated to process goods owned by another.
2. "Director of Labor" means director of the Rhode Island Department of Labor.
3. "Jewelry and allied industries" means ~~The term jewelry and allied industries as used herein means~~
 - a. the manufacture of jewelry and related articles of whatever material composed, commonly or commercially so known, and articles of ornament or adornment, except clothing, of whatever material composed, intended or designed to be worn on apparel or carried or worn on or about the person, and shall include parts of these articles.
 - b. Without limiting the generality of the foregoing, the term jewelry shall expressly include the following: rings; bracelets; necklaces; earrings; brooches; bar pins; compacts and vanity cases; cigarette cases and lighters; buckles and ornaments for millinery, dresses, bags and shoes; buttons of a jewelry nature; ornamental handbag

frames and clasps; religious medals; religious articles of a jewelry nature; rosary beads; insignia jewelry and medals, including those for clubs, fraternities, schools, colleges and other organizations; artificial pearls; beads of every material; watch bracelets and wrist watch attachment; collar buttons; men's jewelry; mechanical pens and pencils of ornamental design; watch cases; novelties of a jewelry nature of whatever material made; the products of all processes (whether in manufacturing plants, or in job shops, so called) which serve the jewelry industry, expressly including processing on which are employed bobbbers, buffers, polishers, platers, engine turners, engravers, stonesetters, lacquerers, enamelers or solderers; the products of refiners and all other manufacturers, the major part of whose work is for the jewelry industry; and the products of manufacturers of flat stock, sheet, wire, tubing, chain and metal, findings for the jewelry industry.

4. "Jewelry homework" means the jewelry processing in a home, including the home of the employer in whole or in part, of material furnished by an employer of any article or articles to be returned to the employer.
5. "Occupations" ~~The occupations referred to herein are~~ means all occupations which have any part in the making, processing or production of jewelry, as the term is used herein, including tool making and hub and die cutting, and including the operations of carding, boxing and other preparations for shipment or sale and including office workers and errand boys.

3.4 Homework

Jewelry homework is hereby prohibited.

3.5 Registration

All contract or job shops herein servicing the jewelry and allied industries, as defined, shall register with the Rhode Island Department of Labor and Training by October 1st of each year.

3.6 Requirements

- A. All contract shops must meet the standards for industrial operation as may be established by federal statutes, the laws of this state and the ordinances of its political subdivisions. In addition such contract shop shall supply adequate light, heat, ventilation and toilet facilities.
- B. Where zoning laws permit, a contract shop may be located in any building that does not have an entrance or other means of access to a house or other

structure used as a residence. Access to the contract shop must be gained only by a separate entrance.

- C. The operator of a contract shop must notify the Director of Labor within five business days of a change of location of the contract shop, and obtain another permit for the new location.
- D. All duly registered contract shops must post the current permit in a conspicuous place where it may readily be viewed during an inspection of the premises by a duly authorized representative of the Director of Labor.
- E. All suppliers of goods to contract shops are subject to all provisions of R.I. Gen. Laws Chapter 28-18.
- F. All suppliers' invoices for contracted work shall bear the permit number of the contract shop.
- G. Failure to adhere to any of the above regulations may result in denial or revocation of a permit.