

**THE CITY OF WARWICK**  
STATE OF RHODE ISLAND

**RESOLUTION OF THE CITY COUNCIL**

*No..... Date.....*

*Approved.....Mayor*

**A RESOLUTION REQUESTING THE RHODE ISLAND GENERAL ASSEMBLY  
REVIEW LANGUAGE IN RIGL § 28-12-4.1 (SECTION C) "OVERTIME PAY - HOURS  
WORKED" AND STUDY ITS FISCAL IMPACT ON RHODE ISLAND'S CITIES AND  
TOWNS**

**Resolved that,**

WHEREAS, in 2019 the Rhode Island General Assembly (“General Assembly”) passed legislation amending Section C to add language including paid leave in calculation of overtime pay; and

WHEREAS, in both the private and public sector, overtime pay is commonly calculated exclusive of paid time off; and

WHEREAS, Section C of RIGL § 36-4-63 expressly sets out the following for State Employees “Hours which are paid for but not actually worked except planned vacation days, personal days, jury duty, and leave for death in the employee’s immediate family shall not be counted as hours worked nor shall they otherwise be used in computing overtime compensation”; and

WHEREAS, the City of Warwick in 2021 is forecasted to exceed \$8.593 million dollars in overtime expense across all departments, representing a 31% overage on the budgeted overtime amount; and

WHEREAS, inclusion of this provision has the potential to further exacerbate the overtime expenses for the City of Warwick and other local cities and towns; and

WHEREAS, those for whom which Section C of RIGL § 36-4-63 is applicable are often excluded from the benefits of RIGL § 25-3-3, which provides employees with premium pay for work performed on Sundays or holidays; and

NOW THEREFORE, BE IT RESOLVED, that the Warwick City Council hereby requests the General Assembly to further review the scope of benefits under RIGL § 25-3-3 and the amended language in Section C of RIGL § 28-12-4.1 related to time worked and its fiscal impacts on the Rhode Island’s cities and towns and as part of said review and study, that the

1 General Assembly include municipal and union representation, as well as other stakeholders in  
2 order to ensure all perspectives and concerns are considered.

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4 BE IT FURTHER RESOLVED, that the City Clerk send a copy of this Resolution to the  
5 City's Senators and Representatives in the Rhode Island General Assembly, including Senate  
6 Majority Leader Michael McCaffrey, Senators Jeanine Calkin and Kendra Anderson, and  
7 Representatives Joseph McNamara, David Bennett, Camille Vella-Wilkinson, Joseph Solomon,  
8 Jr., Evan Shanley, Patricia Morgan and Patricia Serpa, Speaker of the House K. Joseph Shekarchi,  
9 Senate President Dominick Ruggiero, Lt. Governor Sabina Matos and Governor Daniel McKee.

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SPONSORED BY: COUNCILMAN GEBHART  
COUNCILMAN LADOCEUR  
COUNCILMAN RIX

COMMITTEE: INTERGOVERNMENTAL