

32-hour workweek law? Not much support in R.I.

By **Sam Wood** - 05/26/2023



WILL IT WORK? State Rep. Karen Alzate is the primary sponsor of one of two bills that would mandate a 32-hour workweek for certain businesses in Rhode Island. There's not much support for it. PBN PHOTO/MICHAEL SALERNO

In an effort to find and retain workers in a tight job market, some companies have toyed with the idea of converting to a four-day workweek as an incentive to woo top talent. After all, there's a belief that employees might be more productive and efficient with their time if they spend less of it toiling away at work.

State Rep. Karen Alzate would like to make a shorter workweek the law.

Alzate, D-Pawtucket, has submitted legislation that would mandate a 32-hour workweek for companies in Rhode Island with more than 100 employees. It's one of two similar measures that would cut eight hours off the standard workweek but require employers to pay out the same compensation.

But Alzate and Rep. Deborah A. Fellela, D-Johnston, the primary sponsor of the other bill, acknowledge they don't expect their measures to win approval this legislative session, but they're looking to begin a conversation about reducing the hours people are putting in at work.

People sure are talking.

Michael F. Sabitoni, business manager of the 11,000-member Laborers' Union Local 271 and president of the Rhode Island Building & Construction Trades Council, called the proposals "recipes for disaster."

Even Alzate's mother, a retired hourly worker, hates the idea, Alzate acknowledges.

Alzate wants employers with over 100 employees to reduce the workweek to 32 hours but continue to compensate nonexempt employees with the equivalent of a full 40-hour paycheck and complete benefits. Any work completed over 32 hours would require time-and-a-half overtime pay.

Fellela has authored a slightly different bill. Fellela's legislation targets employers with more than 500 employees.

The bills were both referred to the House Labor Committee in late April and haven't been heard yet. Both measures echo legislation introduced this year in many other progressive-leaning states, including California, Massachusetts, New York and - Pennsylvania.

The Massachusetts bill would create a voluntary four-day workweek pilot program fueled by tax incentives. The Pennsylvania bill also provides incentives and is voluntary. Neither of the Rhode Island bills provides incentives.

At the federal level, U.S. Sen. Bernie Sanders, I-Vt., is a vocal proponent of the 32-hour workweek. "We can reduce the stress level in our country and allow Americans to enjoy a better quality of life," Sanders recently tweeted.

And U.S. Rep. Mark Takano, D-Calif., reintroduced the Thirty-Two Hour Workweek Act in January to amend the U.S. Fair Labor Standards Act. "Let's get people more work-life balance," Takano said. "If we're happier in our regular life, we're going to be more productive."

Alzate echoed Takano's sentiments. "Could we be more productive if we work less and rest more?" she said.

Business leaders were nearly unanimous in their answers.

"It's a ridiculous proposal," said Robert Salvatore, CEO of CyberComm Inc. of Warwick, a telecommunications provider. "You need another day off? That's what holidays are for."

Salvatore said it would cause business expenses to skyrocket. "You're looking at about a 25% increase in payroll."

John Simmons, president of the lobbying group Rhode Island Business Coalition, said he knows of no states that have mandated a 32-hour workweek.

"It's unrealistic," said Simmons, whose coalition members include numerous business organizations. "We hope there is no likelihood of it passing in Rhode Island."

Alicia Samolis, who leads the labor and employment practice at Partridge, Snow & Hahn LLP in Providence, dismissed the bills as "very, very extreme" and "naive."

"They come at the most illogical time," Samolis said. "All of my clients are really feeling the labor shortage right now. It's a day-to-day struggle just to get people to work."

Samolis said the bills are not just bad because employers are prevented from lowering a worker's wage. The bills are bad for workers, too.

"When the labor market equalizes, employers will hire people at lower rates," she said. "There's nothing to prevent that in these bills. Veteran workers who are being paid at the higher rate will get fired."

Many companies would avoid doing business in Rhode Island, she said.

"We don't want to be known as a state that has expensive labor and bizarrely protective employment laws," she said.

Alzate and Fellela both acknowledge their bills aren't perfect. In fact, both representatives said the 32-hour bills don't reflect what they think the state really needs.

"It's not exactly what I wanted," Alzate said. "I wanted a four-day workweek with 10 hours each day. But because of the way the laws are written, I was told it had to be written that way."

Fellela said her bill is a “work in progress” and would need to be reworked. She also wants to hear the opinions of labor leaders.

“My bill would make [the 32-hour workweek] mandatory, but I don’t like anything that’s mandated. That’s not fair. It should be at the discretion of the employer,” Fellela said. “It also doesn’t have tax incentives. The Massachusetts bill is a lot more feasible because it does [have incentives].”

Sabatoni said he might reconsider this opposition with more information.

“Right now, it doesn’t make sense in the real world,” Sabatoni said.

“If a worker is only doing 32 hours work, an employer is not going to give them 40 hours pay. Employers already play games with 40 hours and [overtime],” he said. “There are too many opportunities already to play wage and hour games, especially in construction.

“We’re going to need more analysis and data before we decide if this is in the best interests of workers, labor and business,” he said.