

SMALL BUSINESS IMPACT STATEMENT

In order to accurately predict the impact the adoption, amendment, or repeal of a regulation will have on small businesses, the promulgating authority must conduct a thorough analysis that not only considers the potential effects of the action but also quantifies the costs, if any, associated with each. The questions below are designed to aid promulgating authorities in conducting their analysis.

Agency submitting regulation: RI Department of Labor and Training

Subject matter of regulation: Exemptions for Work on Holidays and Sundays

ERLID No: 7529 (Supersedes 6034)

Statutory authority: Chapter 25-3

Other agencies affected: None

Other regulations that may duplicate or conflict with the regulation: None

Describe the scope and objectives of the regulation: Guides employers in the procedures to request exemption from paying premium pay on Sundays and holidays; lists certain exemptions that have been previously granted; amends regulations by exempting certain motorist service facility employers and employers of religious institutions from the requirement of paying time and one half on Sundays and holidays to certain employees.

What was the rationale for establishing this regulation? To guide employers in the procedure to request exemption from paying premium pay on Sundays and holidays; lists exemptions that have been granted previously; amends regulations by exempting certain motorist service facility employers and employers of religious institutions from the requirement of paying time and one half on Sundays and holidays to certain employees.

Does the rationale still exist? Yes

Is the rationale still relevant? Yes

Business industry (s) affected by the regulation: All industries other than the ones that are exempt.

Types of businesses included in the industry (s): All industries other than the ones that are exempt.

Total number of small businesses included in the regulated industry (s) *(Please see the attached guidance documents for assistance determining the total number of small businesses)*

21,374

Number of small businesses potentially subject to the proposed regulation:

21,374

How often do small businesses contact your agency for assistance with clarification of the regulation and/or receive assistance with compliance issues? Often

What is the cost to your agency of establishing and enforcing this regulation? No ongoing costs beyond the normal costs of manpower in investigating and conducting hearings.

What would the consequences be if the regulation did not exist? Some confusion on the part of employers as to how to apply for exemption.

Effective date used in cost estimate: June 30, 2012 through July 1, 2013.

For each question below, please answer “yes” or “no” and offer a brief explanation. Please describe any facts, data, views, arguments, or other input from small businesses, organizations or any other sources that were used to quantify the impacts outlined below.

1.	Yes	No	Do small businesses have to create, file, or issue additional reports?
		X	
2.	Yes	No	Do small businesses have to implement additional recordkeeping procedures?

		X	None other than the records already required by law.
3.	Yes	No X	Do small businesses have to provide additional administrative oversight?
4.	Yes	No X	Do small businesses have to hire additional employees in order to comply with the proposed regulation?
5.	Yes	No X	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?
6.	Yes	No X	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?
7.	Yes	No X	Are performance standards more appropriate than design standards?
8.	Yes X	No	Does the regulation require small businesses to cooperate with audits, inspections, or other regulatory enforcement activities? Yes, as they would with any Labor Standards investigation in the event an employee filed a complaint.
9.	Yes	No X	Does the regulation have the effect of creating additional taxes and/or fees for small businesses?
10.	Yes	No X	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?
11.	Yes	No X	Is the regulation likely to <i>deter</i> the formation of small businesses in RI? Amends regulations by exempting certain motorist service facility employers and employers of religious institutions from the requirement of paying time and one half on Sundays and holidays to certain employees.
12.	Yes X	No	Is the regulation likely to <i>encourage</i> the formation of small businesses in RI? Amends regulations by exempting certain motorist service facility employers and employers of religious institutions from the requirement of paying time and one half on

			Sundays and holidays to certain employees.
13.	Yes	No X	Can the regulation provide for less stringent compliance or reporting requirements for small businesses?
14.	Yes	No X	Can the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?
15.	Yes	No X	Can the compliance or reporting requirements be consolidated or simplified for small businesses?
16.	Yes	No X	Can performance standards for small businesses replace design or operational standards?
17.	Yes	No X	Are there alternative regulatory methods that would minimize the adverse impact on small businesses?
18.	Yes	No X	Have any small businesses or small business organizations been contacted during the preparation of this document? If so, please describe.

Number of Small Businesses Affected

Rules and Regulations Relating to Work on Holidays and Sundays (ERLID 6034)	
Industries	Number of Small Businesses
All small businesses except for accounting, dentist, attorneys, fueling operators serving T.F. Green, Manufacturers of monoclonal antibodies, car rental services serving T.F. Green, limousine and taxi-cab companies that operate 7 days per week and 24 hours per day, agriculture, maritime, health care, retail, restaurants, hotel, motels, summer camp resorts, recreational facilities, pharmacies, and offshore petroleum exploration and extraction companies, and telemarketing companies.	21,374