

2021 -- H 5719

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- PAYMENT OF WAGES AND  
EMPLOYEE RECORDS

Introduced By: Representatives Giraldo, Alzate, and Williams

Date Introduced: February 24, 2021

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 28-14-2.1 and 28-14-12 of the General Laws in Chapter 28-14  
2 entitled "Payment of Wages" are hereby amended to read as follows:

3 **28-14-2.1. Statement of earnings.**

4 (a) ~~On every regular payday, every employer shall furnish to any employee the following:~~

5 ~~(1) A statement of the hours worked by that employee during the applicable pay period;~~  
6 ~~provided, that the statement need not be furnished to an employee described in § 28-12-4.3;~~

7 ~~(2) A record of all deductions made from that employee's gross earnings during the pay~~  
8 ~~period together with an explanation of the basis or reason for the deductions; and~~

9 ~~(3) For employers engaged only in the commercial construction industry, a record of the~~  
10 ~~employee's hourly regular rate of pay. As used in this subsection, "commercial construction~~  
11 ~~industry" includes a business that engages in the doing of work or the furnishing of materials, or~~  
12 ~~both, in the building, erection, alteration, or preparation of an improvement on commercial real~~  
13 ~~property. An employer at the time of each payment of wages, shall furnish to his or her employee,~~  
14 ~~either as a detachable part of the check, draft, or voucher paying the employee's wages, or separately~~  
15 ~~if wages are paid by personal check or cash, an accurate itemized statement in writing showing:~~

16 (1) Gross wages earned;

17 (2) Total hours worked by the employee;

18 (3) The number of piece-rate units earned and any applicable piece rate if the employee is

1 paid on a piece-rate basis;

2 (4) The amount and purpose of each itemized deduction in understandable language and  
3 form;

4 (5) Net wages earned;

5 (6) The inclusive dates of the period for which the employee is paid;

6 (7) The name of the employee and only the last four (4) digits of his or her social security  
7 number or an employee identification number other than a social security number;

8 (8) The name and address of the legal entity that is the employer; and

9 (9) All applicable hourly rates in effect during the pay period and the corresponding  
10 number of hours worked at each hourly rate by the employee. The deductions made from payment  
11 of wages shall be recorded in ink or other indelible form, properly dated, showing the month, day,  
12 and year, and a copy of the statement and the record of the deductions shall be kept on file, in  
13 accordance with § 28-14-12. For purposes of this section, "copy" includes a duplicate of the  
14 itemized statement provided to an employee or a computer-generated record that accurately shows  
15 all of the information required by this section.

16 **28-14-12. Employment records.**

17 ~~Every employer shall keep a true and accurate record of hours worked and wages paid each~~  
18 ~~pay period to each employee in any form that may be prescribed by the director. The employer~~  
19 ~~shall keep the records on file for at least three (3) years after the entry of the record.~~

20 At the start of employment, an employer shall provide each employee a written notice in  
21 English or in the language identified by each employee as their primary language, containing the  
22 following information:

23 (1) The rate or rates of pay and basis thereof, including whether the employee is paid by  
24 the hour, shift, day, week, salary, piece, commission, or other method, and the specific application  
25 of any additional rates;

26 (2) Allowances, if any, claimed pursuant to permitted meals and lodging;

27 (3) Employer's policy on sick, vacation, personal leave, holidays and hours;

28 (4) The employee's employment status and whether the employee is exempt from minimum  
29 wage and/or overtime;

30 (5) A list of deductions that may be made from the employee's pay;

31 (6) The number of days in the pay period, the regularly scheduled pay day, and the pay day  
32 on which the employee will receive the first payment of wages earned;

33 (7) The legal name of the employer and the operating name of the employer if different  
34 from the legal name;

1           (8) The physical address of the employer's main office or principal place of business, and  
2 a mailing address if different; and

3           (9) The telephone number of the employer.

4           (b) The employer must keep a copy of the notice under subsection (a) of this section signed  
5 by each employee acknowledging receipt of the notice.

6           (c) Employers shall establish, maintain and preserve for not less than six (6) years  
7 contemporaneously, true and accurate records of their employees' names, addresses, titles, pay  
8 rates, hours worked each workday and workweek, basis of pay, total regular wages earned per  
9 week, total overtime wages earned per week, deductions, dates of each pay period worked, and  
10 total wages paid each pay period.

11           (d) The employee has a right to inspect and copy, if necessary, their employment records  
12 referred to in this section.

13           (e) Liquidated damages of one hundred dollars (\$100) for each pay period received that the  
14 employer failed to maintain its employees' wage records, as required by this section, not to exceed,  
15 two thousand five hundred dollars (\$2,500), counsel fees and their costs.

16           (f) Upon written request of a complaining employee, who is entitled to bring an action  
17 under this section, the director of labor and training may bring an action in accordance with this  
18 section, on behalf of the employee.

19           (g) At the complaining employee's option, he or she may institute a private action; seeking  
20 the enforcement of their rights, damages, and other appropriate statutory remedies.

21           SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would require the employer, at the time of hiring, to furnish a long itemized list of  
2 the terms and conditions of the employee's employment. To also provide every employee each pay  
3 day, a pay stub, explaining exactly how their wages were calculated and the reason for each  
4 deduction from their gross wages. Finally it allows the employee to file a private court action  
5 against the employer for a violation of these new disclosures, while also in the alternative, allowing  
6 the state to enforce the law, on the employees' behalf.

7           This act would take effect upon passage.

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