

A Guide to **Wage and Workplace Laws** in Rhode Island





A Message from the Director

The Department of Labor and Training is pleased to present this Guidebook for 2019 to our clients, in particular to the employers doing business in Rhode Island.

Rhode Island has been enforcing Wage and Hour Laws since 1940 when Public Law Chapter 895 was enacted. The Labor Standards (Wage and Hour) Unit now administers labor laws affecting over 500,000 Rhode Island workers and approximately 35,000 employers through the enforcement of provisions relating to child labor, parental and family medical leave and payment of wages including minimum wage, overtime and fringe benefits upon termination. Record-keeping requirements are also enforced. Over the years, numerous amendments have been made, and as with most laws, those affecting “Wage and Hour” have been subject to varying interpretations. We are hopeful that this will serve as both a convenient reference and an educational tool that is equally user friendly and informative.

Since employers utilize many of the services offered by the Department of Labor and Training, we have enclosed a directory for the Labor Standards (Wage and Hour) Unit as well as the *netWORKri* Career Centers and re-employment offices.

We recognize that employers must be well informed in order to operate their businesses within the boundaries of the law. It is with this in mind that we are providing employers with this reference, as well as Seminars for Employers. We are confident that together with the Department of Labor and Training’s web site, all of the information being made available will provide the necessary tools to assist you in complying with Rhode Island’s Labor Laws.

As with any guidebook, we could not cover all situations, and it does not take the place of actual Rhode Island General Statutes and regulations and/or court decisions. You should contact our Labor Standards (Wage and Hour) Unit or your legal advisor for more detailed information.



DLT is an Equal Opportunity Employer/Program.

Auxiliary aids and services are available upon request to individuals with disabilities. TTY via RI Relay: 711 MDF 1/19

Key Points Contained in this Guide



1. Employers are required to pay non-exempt employees at least the minimum wage.
2. Employers are required to pay non-exempt employees time and one-half their regular rate of pay for hours worked over 40 in a week.
3. Employers are required to maintain, for a period of not less than three (3) years, true and accurate records of the name, address, occupation, rate of pay and amount paid each pay period and hours worked each day and each week by its employees.
4. Requirement that hourly employees be paid weekly, or may petition the Director of Labor and Training to pay biweekly.
5. Deductions permitted by State and Federal Law must be set forth in a Statement of Earnings provided to employees on every regular payday. Requests for permissible deductions from wages of an employee must be in accordance with a written request submitted by the individual employee.

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The Labor Standards (Wage and Hour) Unit administers a wide range of laws that protect and promote the interests of Rhode Island’s 500,000 workers. This Unit also devotes considerable resources primarily, through seminars and educational materials, to encourage and assist Rhode Island’s 35,000 employers to comply with the wage and hour laws.



Major areas of enforcement of this unit include Payment of Wages, Vacation Pay, Minimum Wage, Overtime, Work on Sundays and Holidays, RI Parental & Family Medical Leave, Record Keeping and hours and work of minor employees.

Some of the following pages come directly from the *RI Employer Handbook and Digest of Labor Laws*. The full version of the *Handbook* is available online at: www.dlt.ri.gov/lmi/publications/handbook.htm.

Frequently Asked Questions about RI's Wage and Hour Laws

How is overtime to be paid? What are the exceptions?

Hours worked in excess of 40 per week are to be paid at time and one half the worker's regular rate of pay. Any employee of a summer camp open no more than six months of the year, police officers, firefighters and rescue service personnel employed by the cities and towns, employees of the state or political subdivisions of the state who elect through collective bargaining or other agreement or understanding to receive compensatory time off equal to one and one-half times the hours worked over 40, employees employed in a bona fide executive, administrative or professional capacity as defined by the Fair Labor Standards Act receiving a salary of at least \$200 per week (the salary divided by the number of hours worked must not violate the applicable minimum wage), salaried employee of a nonprofit national voluntary health agency who may elect compensatory time off for the hours worked in excess of 40, employees including drivers, driver's helpers, mechanics and loaders of any motor carrier, including private carriers, with respect to whom the U.S. Secretary of Transportation has power to establish qualifications and maximum hours of service, employee employed as a salesperson or parts person or mechanic primarily engaged in the sale and/or servicing of automobiles, trucks or farm implements and is employed by a non-manufacturing employer primarily engaged in the business of selling vehicles or farm implements provided that the earnings exceed an amount equal to the employee's basis contractual hourly rate of pay times the number of hours actually worked plus the employee's basic contractual hourly rate of pay times one-half the number of hours actually worked in excess of 40 hours per week.

What is the Minimum Wage? What are the exceptions?

As of January 1, 2019, the minimum wage is \$10.50 per hour. Exemptions include minors, 14-15 years of age working 24 hours or less. They may be paid 75% of the minimum wage = \$7.88 per hour. If a minor works in excess of 24 hours, all hours must be paid at the minimum wage. For more information on the minimum wage, including a link to the law, please visit our minimum wage web page at www.dlt.ri.gov/ls/minwage.htm.

Other exemptions: Individuals working in or about a private home, traveling salespersons or outside salespersons, individuals employment by his/her son, daughter, spouse and services performed by a child under the age of 21 in the employ of his/her mother or father, persons employed between May 1 and October 1 in a resort establishment which regularly serves meals to the general public and which is open for business not more than six months a year, persons employed by an organized camp which does not operate for more than seven months in any calendar year.

What is the minimum wage for wait staff?

Commencing January 1, 2017, wait staff must be paid at least \$3.89 per hour and the amount of tips received must bring this amount to \$10.50 as of January 1, 2019, for all hours worked.

What types of records of hours must be kept and who is exempt?

An employer must keep an accurate daily and weekly (time in and out) record for all employees. No one, including employees paid on a salary basis, is exempt from this law. These records, along with payroll records, must be kept for at least three years.

What is the law regarding lunches and breaks?

A twenty-minute meal period must be given during a six-hour shift, and a thirty-minute meal period must be given during an eight-hour shift. This does not include healthcare facilities or companies employing less than three employees at one site during a shift.

What are the legal holidays?

New Year's Day, January 1*	Columbus Day, Second Monday in October
Memorial Day, Last Monday in May	Veterans' Day, November 11*
Independence Day, July 4*	Thanksgiving Day, Fourth Thursday in November
Victory Day, Second Monday in August	Christmas Day, December 25*
Labor Day, First Monday in September	

* If a holiday falls on a Sunday, the day following is observed as the legal holiday.

I work for a Manufacturer on Sundays, how should I be paid? Exemptions?

Hourly-paid employees must receive time and one half the normal hourly rate of pay.

Exceptions include employees working in agriculture or maritime trades, physicians, dentist, attorney at law or accountants, health care or maintenance (hospitals, nursing homes, etc), restaurants, hotels, motels, summer camps, resorts or other recreational facility (except health clubs), salaried employees in a bona fide executive, professional or administrative capacity, telephonic delivery of customer service, sales operations and ancillary services related thereto except for employment in the telecommunications industry which are part of any collective bargaining agreement or employment contract.

If I work more than 40 hours in a week and 8 hours on a holiday, how am I to be paid?

If you work in non-retail, the hours in excess of forty are to be paid at time and one half, the holiday is to be paid at time and one half and the remainder is to be paid straight time. Example: Total hours 60 and eight of these hours were worked on a holiday. Extract the overtime hours from the total = 20, these hours are to be paid at time and one half. Extract the eight from the remaining forty = 32. Eight hours are to be paid at time and one half premium pay for working the holiday and 32 hours are straight time.

If you work in retail, the holiday hours are extracted first and paid at time and one half. If there are hours over 40 in the balance, these hours are to be paid at time and one half also. Example: Same as above, extract the holiday hours from the total hours and the balance is 52. The eight hours are to be paid at time and one half premium pay. Because there are hours in excess of forty in the balance, these 12 hours must be paid at time and one half for the overtime. The balance of 40 is paid at straight time. The city/town councils shall grant licenses for the sale by retail establishment at any places in that town or city designated in those licenses on Sundays.

If I am paid hourly, should I be paid weekly?

Yes, exemptions are employees of the state and its political subdivisions and of religious, literary or charitable corporations and those employees whose compensation is fixed at a biweekly, semi-monthly, monthly or yearly rate. The latter being employees paid a salary. The director may, upon written petition showing good and sufficient reason, permit the employer and its affiliates to pay wages less frequently than weekly provided: 1.) The employer's average payroll exceeds 200% of the state minimum wage as defined in § 28-12-3; 2.) The employer makes payment of wages regularly on a predesignated date no less than twice per month; and 3.) The employer provides proof of a surety bond or other sufficient demonstration of security in the amount of the highest biweekly payroll exposure in the preceding year for the employees subject to the petition; 4.) If the involved employees are subject to collective bargaining, the employer provides the written consent of the collective bargaining representative for all involved employees.

How am I to be paid, and how is a payday established?

Every employer must establish a regular payday on which wages shall be paid in full in lawful money of the United States, or checks on banks convertible into cash on demand. Every payday shall fall within nine (9) days of the end of a payroll period. Every employee shall be notified in writing or by posted notice that may be readily seen, of a change in the scheduled payday at least three (3) paydays in advance of a scheduled change.

Is it a law that I should be receiving a statement of earning (pay stub)?

On every regular payday, the employer shall furnish to any employee a statement of the hours worked during the applicable pay period, a record of all deductions made from that employee's gross earnings with an explanation of the basis or reason for such deductions.

What is the vacation law?

Whenever an employee is separated from the payroll of an employer, after completing at least one (1) year of service, any vacation pay accrued by collective bargaining, company policy or other agreement between employer and employee shall become wages and payable in full or on a prorated basis with all other due wages on the next regular payday for the employee.

I work on a cash register and at times the drawer is short. Can the employer deduct the shortage from my pay?

An employer may not deduct for shortages, damages, rent, uniforms, or any other reason (except applicable taxes). An employer may make a deduction for loan or advance against future earnings if evidenced by a statement in writing signed by the employee with the amount to be deducted each pay period. The statement may read "balance due upon separation."



I was promised a bonus from my employer, but he has not paid it yet. Can you help me?

No. The payment of any bonus in addition to the payment of wages will not be subject to the provision of this chapter.

What hours can 16-17 year old minors work and how many hours?

Not before 6:00 a.m. or later than 11:30 p.m. (if no classes are scheduled on the following day, minor may be employed until 1:30 a.m.) If minor is not a student, there is no curfew. Maximum hours in RI is 9 hours per day (9 3/5 hours per day in a 5-day work week), 48 hours per week.

What hours can 14-15 year old minors work and how many hours?

Not before 6:00 a.m. or later than 7:00 p.m. (except 9:00 p.m. during school vacations). Federal Law is not before 7:00 a.m. or later than 7:00 p.m. (except 9:00 p.m. from June 1 through Labor Day). Maximum hours in Rhode Island is 8 hours per day, 40 hours per week. Federal is 3 hours per day (school day), 8 hours non-school day, 18 hours per week (school week) and 40 hours non-school week.

What kind of work can a 14-15 year old do? What kind of work can they not do?

Permitted but not limited to: Office and clerical (including office machines), cashier, bagger, price marking, landscaping (no power-driven machines), cleaning, waiting tables, bussing tables, dish washing.

Not permitted but not limited to: Manufacturing, mining, processing food or materials, laundry (washers/dryers), warehouse, construction, freezers, meat coolers, loading and unloading from trucks, railroad cars or conveyors, jewelry processing (by hand, or machine), bakeries (except strictly counter help), on any dock (public or private), dispensing gasoline, oil, any work in a car wash.

Can a person process jewelry in their home? Where can jewelry work be performed?

No, jewelry homework is prohibited. Performing jewelry homework may and has violated the minimum wage, overtime, records of hours, payment of wages and child labor laws. Also some materials used in certain processes may be hazardous to a person's health. Upon receiving a complaint, an examiner will visit the home and confiscate the work being processed. The work is then returned to its rightful owner and the case is forwarded to the Attorney General for prosecution (both the homemaker(s) and person(s) giving out the homework).

This office registers contract shops and issues contract shop permits. The shop must exist separate and apart from a home, where zoning permits, have adequate heat, lighting and toilet facilities. The application fee is \$120.00. An examiner will inspect the shop to ensure compliance. Permits expire September 30th of each year.

What is the Parental and Family Leave Act?

The R.I. Parental and Family Medical Leave Act is thirteen consecutive weeks of unpaid leave for the birth of a child, placement of an adopted child sixteen years of age or younger, or a serious illness or injury, impairment or condition that involves inpatient care in a hospital, nursing home or hospice; or outpatient care requiring continuing treatment or supervision by a health care provider.

Family member means parent, spouse, child, mother-in-law, father-in-law, or the employee him or herself.

Requirement: Must have been employed for 12 consecutive months, gives employer written 30 days notice (unless prevented by medical emergency), company must employ 50 or more employees.

Prior to commencement of parental or family leave, the employee shall pay to the employer a sum equal to the premium required to maintain the employee's health benefits in force during the period of leave. The employer shall return such payment to the employee within ten (10) days following the employee's return to employment.

Upon expiration of such leave, the employee is entitled to be restored by the employer to the position held when the leave commenced or to a position with equivalent seniority, status, employment benefits, pay and other terms and conditions of employment.

Wage and Hour Facts from the RI Digest of Labor Laws

Minimum Wage

The minimum wage for all workers 16 years of age and older:

1/1/19
\$10.50 per hour

Exceptions

- 1.) Full-time students under 19 years of age working in nonprofit religious, educational, library, or community service organizations:

1/1/19
\$9.45 per hour
(90% of applicable minimum)

- 2.) 14 and 15 year olds who do not work more than 24 hours in a week. (For any week in which a 14 or 15 year old works more than 24 hours the higher applicable minimum rate must be paid for all hours worked in that week.)

1/1/19
\$7.88 per hour
(75% of applicable minimum)

- 3.) Workers employed in: domestic service in or about a private home, Federal service, voluntary service in educational, charitable, religious or nonprofit organizations where employer/employee relationships do not exist, newspaper carriers on home delivery, shoe shine persons, caddies on golf courses, ushers in theaters, traveling or outside sales occupations.

Also: Service performed by an individual employed by son or daughter, or minor child employed by parent. Occupations in resort establishments serving meals to the general public that are not open more than six (6) months during the year-between May 1 and October 1 only - and any individual employed by an organized camp having a structured program including but not limited to recreation, education and religion, or any combination thereof. Such an individual must not be employed by the organization on an annual full-time basis and such a camp must not operate for more than seven (7) months in any calendar year. This exemption does not apply to employees of trailer camps. (General Law 28-12)

Overtime



All employees must be paid time and one-half the worker's regular rate for all hours in excess of forty (40) in one week. Workers paid bi-weekly must be compensated at time and one-half the employee's regular rate for all hours worked beyond forty (40) in any one workweek.

Provided, however, in any workweek in which an employee of a retail business is employed on a Sunday and/or holiday at a rate of one and one-half (1 1/2) times the regular rate at which he or she is employed as provided in Section 5-23-2 the hours worked on such Sunday and/or holiday shall be excluded from the calculation of overtime pay as required by this section.

Exceptions of Overtime

28-12-4.3. Exemptions - (a) The provisions of section 28-12-4.1 and 28-12-4.2 above shall not apply to the following employees:

- 1) Any employee of a summer camp when it is open no more than six (6) months of the year.
- 2) Police Officers, Firefighters, and Rescue Service Personnel employed by the cities and towns.

- 3) Employees of the state or political subdivisions of the state may elect through a collective bargaining agreement, memorandum of understanding or any other agreement between the employer and representatives of the employees or if the employees are not represented by an exclusive bargaining agent, through an agreement or understanding arrived at between the employer and the employee prior to the performance of work, to receive compensatory time off for hours worked in excess of forty (40) in a week, provided that the compensatory hours shall at least equal one and one-half (1 1/2) times the hours worked over forty (40) in a week. If compensation is paid to an employee for accrued compensatory time, such compensation shall be paid at the regular rate earned by the employee at the time of payment. At time of termination unused accrued compensatory time shall be paid at a rate not less than:
 - A) the average regular rate received by the employee during the last three (3) years of the employee's employment, or
 - B) the final regular rate received by such employee whichever is higher.
 - 4) Any employee employed in a bona fide executive, administrative, or professional capacity, as defined by the Fair Labor Standards Act of 1938, as now or hereafter amended, compensated for services on a salary basis of not less than two hundred dollars (\$200) per week.
 - 5) Any employee, as defined in subsection (4) above unless the wages of said employee, if computed on an hourly basis, would violate the applicable minimum wage law.
 - 6) Any salaried employee of a nonprofit national voluntary health agency who may elect to receive compensatory time off for hours worked in excess of forty (40) hours per week.
 - 7) Any employee, including drivers, driver's helpers, mechanics, and loaders of any motor carrier, including private carriers, with respect to whom the U.S. Secretary of Transportation has power to establish qualifications and maximum hours of service pursuant to the provisions of 49 U.S.C. Section 3102.
 - 8) Any employee who is a salesperson, parts person, or mechanic primarily engaged in the sale and/or servicing automobiles, trucks or farm implements, and is employed by a non-manufacturing employer primarily engaged in the business of selling such vehicles or farm implements to ultimate purchasers, to the extent that said employers are exempt under the Federal Wage-Hour and Equal Pay Act, Title 29, U.S.C. Section 201 et seq. and Title 29 U.S.C. Section 213 (b) (10); provided that the employee's weekly, biweekly or monthly actual earnings exceed an amount equal to the employee's basic contractual hourly rate of pay times the number of hours actually worked plus the employee's basic contractual hourly rate of pay times one-half the number of hours actually worked in excess of forty (40) hours per week.
 - 9) Any employee employed in agriculture, however, the exemption shall apply to all agricultural enterprises which produce greenhouse crops, fruit and vegetable crops, herbaceous crops, sod crops, viticulture, viniculture, floriculture, feed for livestock, fur bearing animals, poultry and eggs, bees and honey and mushrooms.
- (b) Provided, nothing herein shall exempt any employee who under applicable federal law is entitled to overtime pay or benefits related thereto.

Wages for Failure to Furnish Shift Work

An employer in any industry who requests or permits any employee to report for duty at the beginning of a work shift and three (3) hours work are not furnished on that shift, the employer must pay the employee for three (3) hours work at the employee's regular rate of pay. In the event that an employee reports for work at the beginning of a work shift and the employer offers no work to perform the employer must still pay the employee for three (3) hours at the employee's regular rate of pay.

Work on Sundays and Holidays

Work performed on Sundays and holidays must be paid at the rate of time and one-half unless qualified as an exception under General Law 25-3. Employees cannot be discharged or penalized for refusing to work on any Sunday or holiday, unless they are employed by a manufacturer which operates for seven (7) continuous days per week.

Legal Holidays

“Holidays” shall mean Sunday; New Year’s Day, January 1; Memorial Day, last Monday in May; Independence Day, July 4; Victory Day, second Monday in August; Labor Day, first Monday in September; Columbus Day, second Monday in October; Veterans’ Day, November 11; Thanksgiving Day (by proclamation of the Governor), fourth Thursday in November; and Christmas Day, December 25. Whenever a holiday falls on a Sunday, the day following is the celebrated holiday.

Retail Selling

The town council of any town shall grant licenses for the sale by retail establishments at any place in that town or city designated in those licenses on holidays enumerated in section 5-23-1. However, no license shall be issued on December 25 of any year or on that holiday known as Thanksgiving day, except to: (a) pharmacies licensed under chapter 19 of title 5 with a licensed pharmacist who is employed by the pharmacy and available on the premises to provide pharmaceutical services during all hours of the pharmacy’s operation on said days; (b) retail establishments which principally sell food products as defined in section 44-18-30(J) and which employ fewer than six (6) employees per shift at any one location; (c) retail establishments principally engaged in the sale of cut flowers, floral products, plants, shrubs, trees, fertilizers, seeds, bulbs and garden accessories; (d) retail establishments principally engaged in the sale and/or rental of video cassette tapes; and (e) retail establishments principally engaged in the preparation and/or sale of bakery products.

Retail establishments may be open on any day of the year except as specifically prohibited in General Law 5-23-2. A retail establishment shall not be open on a holiday unless licensed by the appropriate town council pursuant to this section. Licenses are not granted for Sundays, however, these businesses must check with the city/town in the event the city/town may have a provision as to Sunday hours.

Retail establishments licensed pursuant to this section shall be exempt from the provisions of Chapter 40 of Title 11, entitled “Sunday Laws”, and Chapter 1 of Title 25, entitled “Holidays and Days of Special Observance”, and those establishments may sell any and all items sold in the ordinary course of business with the exception of alcoholic beverages.

All employees engaged in work during Sundays or holidays pursuant to the provisions of this section shall receive from their employer no less than time and one-half for the work so performed and shall be guaranteed at least a minimum of four (4) hours employment; except those employees referred to in section 28-12-4.3(a)(4), provided that the work so performed by the employee shall be strictly voluntary and refusal to work for any retail establishment on a Sunday or holiday shall not be a ground for discrimination, dismissal or discharge or any other penalty upon the employee. The town council may fix and cause to be paid into the town treasury for each license issued pursuant to this section a fee not to exceed the sum of one hundred dollars (\$100) and may fix the time or times when the license granted shall terminate; provided however, that the town council shall not charge a licensing fee to any charitable, benevolent, educational, philanthropic, humane, patriotic, social service, civic, fraternal, police, fire, labor or religious organization which is not operated for profit.

Retail establishments engaged principally in the preparation and/or sale of bakery products and pharmacies shall be licensed prior to the sale thereof in accordance with this section, provided however, that the time and one-half and voluntary work provisions shall not apply.



Inspection of Records

Examiners of the Division of Labor Standards are authorized to investigate and ascertain the wages of persons employed in any occupation in this state; to enter and inspect the place of business or employment of employer in the state for the purpose of examining and inspecting any and all books, registers, payrolls, and other records of such employer that in any way relate to or have a bearing on the question of wages, hours, and other conditions of employment of any employees, and may question such employees for the purpose of ascertaining whether the provisions of the Minimum Wage Law and the orders and regulations issued thereunder have been and are being complied with.

Gratuities (Tips) and Gratuity Allowance

Gratuities shall mean voluntary monetary compensation received by the employee for services rendered.

An employee working in an occupation where it is customary to receive gratuities must be paid the stated minimum rates. However, in any week when the wages for such an employee are computed the employer may credit tips so received as part of the wages under the following conditions:

The amount of gratuities credited may not exceed 50% of the applicable minimum wage. From time to time the mandated employer's minimum contribution toward service employee's wages may exceed the amount required by the provisions of the Fair Labor Standards Act. Where there is coverage under both state and federal law the higher or more restrictive standard takes precedence.

Minimum Wage	Minimum Share	Maximum Tip Credit
1/1/13 \$7.75	\$2.89	\$4.86
1/1/14 \$8.00	\$2.89	\$5.11
1/1/15 \$9.00	\$2.89	\$6.11
1/1/16 \$9.60	\$3.39	\$6.21
1/1/17 NA	\$3.89	NA

The employer must have received and kept as part of permanent payroll records for that week a statement signed by the employee certifying the amount of gratuities, as credited, has been received.

Effective 7/1/99, gratuity allowance may be taken for bus persons in the same manner as wait staff. The Director of Labor and Training will accept the following statement, when filled out and signed by the worker, as substantial evidence that the amount of gratuities claimed by the employer as part of the minimum wage was received by the employee. N.B.: The worker must fill in the amount of tips and sign. (File with payroll records)

The week of _____, I received \$_____ in gratuities
MONTH DAY YEAR AMOUNT

(tips) for _____ hours worked as an employee of _____

TOTAL HOURS

EMPLOYER'S NAME

EMPLOYEE'S SIGNATURE

Workers signing for gratuities to be deducted from the minimum wage are entitled to a hearing in the Division of Labor Standards, if they so desire. (General Law 28-12-5)

Workers with Disabilities

The Director of Labor and Training may provide by regulation, after a public hearing at which any person may be heard, for the employment in any occupation at wages lower than the wage rates applicable under this chapter of individuals whose earning capacity is impaired by physical or mental disability as he or she may find appropriate to prevent curtailment of opportunities for employment, to avoid undue hardship, and to safeguard the applicable wage rates under this chapter. No employee shall be employed at wages fixed pursuant to this section except under a special license issued under applicable regulations of the director of labor and training. (General Law 28-12-9)

Wage and Hour Records

Every employer shall keep complete and accurate records for all employees as follows: Names, addresses, and ages of all workers, occupations, wage rates, hours worked each day and each week, wages paid each pay period. Such records must be kept on file for at least three (3) years after the entry of the record and must be open to inspection by the Department of Labor and Training at any reasonable time. Firms covered by the provisions of the Federal Fair Labor Standards Act are required to keep records on file for three (3) years from the date of entry. (General Law 28-14-12)

Wage Payment and Collection

All employers, including the state and its political subdivisions, shall establish a regular payday within nine (9) days from the end of the payroll period on which all wages shall be paid in full in cash or in checks on banks convertible into cash on demand at full face value.

Frequency of payment [Effective January 1, 2014] –every employee other than employees of the state and its political subdivisions and of religious, literary or charitable corporations shall be paid weekly all due wages from his or her employer, except those employees whose compensation is fixed at a biweekly, semi-monthly, monthly or yearly rate. The director may, upon written petition showing good and sufficient reason, permit employers in the state of Rhode Island to pay less frequently than weekly if they follow the procedure as outlined in RI GL 28-14-2.2.

Notice of any changes in a scheduled payday shall be given employees at least three (3) paydays in advance of the change.

On payday each employer shall furnish to each employee a pay envelope or other statement showing gross wages, net wages paid, hours worked, legal deductions made, an explanation of the basis or reason for such deduction, and, for employers engaged only in the commercial construction industry, a record of the employee's hourly regular rate of pay. As used in this subsection, the term commercial construction industry will include a business which engages in the doing of work or the furnishing of materials, or both, in the building, erection, alteration or preparation of an improvement on commercial real property.

The net wages of any employee may, with the consent of both the employee and the employer, be deposited directly into the employee's checking, savings or share account in a financial organization selected by the employee. Rhode Island law protects workers against nonpayment of wages and provides penalties for violations. The Director of Labor and Training is empowered to collect wages if claims are filed within three (3) years of the date earned. (General Law 28-14-20)

Deductions

Except for federal taxes, state taxes and social security charges, deductions from wages are not permitted, however, any employer granting his employee a loan or advance against future earnings or wages may deduct the same as a setoff or counterclaim only if evidenced by a statement in writing signed by said employee.

Deductions for alleged damage to employer's property or for rent due employer are specifically prohibited. Also barred are deductions connected with past or present indebtedness.

Deductions from an employee's wages for pension, welfare, vacation, health plan and annuity of life coverage are allowed without the employee's written permission, provided a collective bargaining agreement is in force.

Deductions for union dues, health care coverage, United Way, payroll savings, stock purchase, pension plan, or insurance are permitted with the written authorization of the employee. Deductions of premium for prepaid legal services are permitted with the written authorization of the employee. (General Law 28-14)

Whenever an employer shall provide for a payroll deduction for any purpose, the employer shall transfer those funds deducted to the appropriate person, agency, partnership or corporation entitled to the monies deducted, within twenty-one (21) days following the last day of the month in which the deduction is made, except, when the person, agency, partnership or corporation entitled to monies deducted permits otherwise in writing. (General Law 28-14-3.1)

Wages upon Separation - Whenever an employee is separated from the payroll, the unpaid wages or compensation of such employee shall become due on the next regular payday and payable at the usual place of payment.

Wages upon Separation as Vacation Pay - Whenever an employee is separated from the payroll of an employer, after completing at least one (1) year of service, any vacation pay accrued by collective bargaining, company policy or other agreement between employer and employee shall become wages and payable in full or on a prorated basis with all other due wages on the next regular payday for the employee.

Benefits as Wages - Whenever an employer separates an employee from the payroll as a result of said employer liquidating the business, merging the business, disposing the business or removing the business out of state, all wages become immediately due and payable within twenty-four (24) hours of the time of separation at the usual place of payment, additionally, if said employee has completed at least one (1) year of service with said employer, holiday pay, vacation pay in full or on a prorated basis and insurance benefits due such employee under a collective bargaining agreement, company policy or other agreement between said employer and employee shall be considered as unpaid wages due and payable within twenty-four (24) hours of the time of separation at the usual place of payment.

Attachments or Garnishments - Federal law defines wages that may be attached as disposable earnings, or those earnings left after payment of legal deductions for federal and state taxes. Only (a) 25% of disposable earnings or (b) the amount by which the disposable earnings exceed thirty (30) times the Federal minimum hourly wage may be garnished.

Employees who have been on relief are exempt from attachment for one (1) year after the debtor ceases receiving relief. An employee may not be discharged for more than one garnishment if made for the same debt. Wage garnishment exemption does not apply to court orders regarding alimony or child support. (General Law 9-26-4)

CHILD LABOR - Employment of Minors

Under 14: No child under 14 years of age may be employed at any time in any capacity except in a private home or on a farm. (General Law 28-3)

Minors 14 and 15 years of age: Part-time and vacation employment in business and mercantile establishments is allowed only by permit from the local school department for minors 14 and 15 years of age. Such employment shall not take place during the hours when school is in session and shall not exceed eight (8) hours in any one day or forty (40) hours in any one week, and shall not take place before 6 A.M. nor after 7 P.M. (9 P.M. during school vacation). Federal law prohibits employment in excess of three (3) hours per day-on school days, or in excess of eighteen (18) hours per week-when school is in session. This more stringent standard must be adhered to whenever the establishment is covered by the provisions of the Fair Labor Standards Act. Minors under 16 are not permitted to work in factories, manufacturing, mechanical or processing establishments in any capacity at any time. (General Law 28-3-1, 28-3-11)

Any minor between the ages of 16 and 18 may be employed during school vacations without limitations as to the total hours to be worked in a given week or calendar day, provided the provisions of all other applicable federal and state laws and regulations are complied with.

Minors 16 and 17 years of age: Under a 1980 amendment 16 and 17 year old workers who have left school are no longer restricted by a curfew. However 16 and 17 year old students are not permitted to work between the hours of 11:30 P.M. and 6:00 A.M. the following day if that day is a school day. When no classes are scheduled, the curfew is extended to 1:30 A.M.

No minor, 16 or 17 years of age, shall work more than 48 hours in any one week, nor more than nine (9) hours in any one day, unless the 48 hours are worked in five (5) days. In which case the minor may work 9 3/5 hours per day.

There shall be an interval (or period of cessation of work) of not less than eight (8) hours between the ending of the period of work on one calendar day and the beginning of a period of work on the subsequent day. (General Law 28-3-11)



Lunch Period

A twenty-minute meal period must be given during a six-hour shift, and a thirty-minute meal period must be given during an eight-hour shift. This does not include healthcare facilities or companies employing less than three employees at one site during a shift.



Industrial Homework

Rhode Island law provides for the strict control and gradual elimination of industrial homework. The Director of Labor and Training may issue licenses to employers in certain industries to distribute work or processing by home workers certified by the department. No homework licenses may be issued to industries which have not been susceptible to effective regulation.

Contract Shops

Contract shops servicing the jewelry industry may operate only under an annual permit issued through the Division of Labor Standards. The permit fee is one hundred twenty dollars (\$120) per year, renewable October 1, each year. No jewelry contract work may be processed except in a shop and location approved and registered with the division. No jewelry work may be processed in any home or part thereof. (General Law 28-18)

Parental and Family Medical Leave

The Rhode Island law is a parental and family leave statute that applies to all employers that employ fifty (50) or more employees. It states that every employee who has worked for his/her employer for at least twelve (12) months must be given thirteen (13) consecutive weeks of parental or family leave in any two (2) calendar years. The statute requires employees to give advance notice of up to thirty (30) days of the intended starting and ending dates, unless prevented from doing so by a medical emergency.

Under this law, an employee may take parental or family leave for one of three reasons: The birth of the employee's child; the adoption of a child 16 years of age or less by the employee; or serious illness of a family member or the employee him or herself. Upon expiration of the leave, the employee must either be restored to the position he or she previously held when the leave commenced, or to a position with like seniority, status, benefits, pay and other terms and conditions of employment; including fringe benefits and service credits that the employee had been entitled to at the commencement of the leave. The health insurance provisions in the law provide that an employer is obligated to continue the employee's health insurance benefits, but that the employee can be required to pay the premiums prior to his/her departure. If the employee returns, the employer is obligated to return the amounts paid within ten (10) days after the employee's return to employment.

An employee who has been employed by the same employer for twelve (12) consecutive months shall be entitled to a total of ten (10) hours of leave during any twelve (12) month period to attend school conferences or other school-related activities for a child of whom the employee is the parent, foster parent or guardian. The employee must provide a twenty-four (24) hour prior notice of the leave and make a reasonable effort to schedule the leave so as to not unduly disrupt the operation of the employer.

Lie Detector Tests Prohibited

No employer or agent of any employer shall require or subject any employee to any lie detector tests as a condition of employment or continued employment. (General Law 28-6.1-1)

Physical Examinations

Whenever any employer shall require a physical examination prior to employment, the cost of such examination shall be paid by the employer whether or not the prospective employee is hired. (General Law 28-6.2-1)



Genetic Testing

No employer, employment agency or licensing agency shall request, require or administer a genetic test to any person as a condition of employment, or affect the terms, conditions or privileges of employment or licensure or terminate the employment or licensure of any person who obtains a genetic test. No person may sell to or interpret for an employer, employment agency, or licensing agency a genetic test of a current or prospective employee or licensee. (General Law 28-6.7-1)

Employer Transportation Service Charge

No employer or agent of a temporary placement staffing agency shall require its employee to provide transportation to other employees as a condition of employment, charge an employee for transport services provided to that employee, or charge or collect fees from its employees for transportation services provided by other employees, the employer, or by a subcontracted transportation company. Any employer as defined, may purchase public transportation bus passes and deduct not more than fifty percent (50%) of the actual cost of the bus pass from an employee's total daily wages, provided, however, that the employee participation in an employer public transportation bus pass program shall be strictly voluntary and shall require the express written authorization of the employee, in the employee's primary language. Any employer may offer transportation services to an employee and charge a fee, payable to the employer only, for such services provided the amount charged is not more than the actual cost to transport such employee and the amount does not exceed three dollars (\$3.00) per day. Employee participation in an employer transportation program shall be strictly voluntary and shall require the express written authorization of the employee, in the employee's primary language. (General Law 28-6.11)



There are several forms that Labor Standards utilizes. They are available for download online at www.dlt.ri.gov/lS/LSforms.htm. Listed here are the forms and a sample of what they look like as well as when and why they need to be filled out.



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF LABOR AND TRAINING
LABOR STANDARDS UNIT
1511 Pontiac Avenue - Building 70-2
P.O. Box 20390
Cranston, RI 02920-0942
(401) 462-8550

APPLICATION REQUEST FOR EMPLOYEE BI-WEEKLY PAY
This application MUST be submitted with original signatures. NO facsimile copies will be accepted.

A. INFORMATION FOR COMPANY/PLACING REQUEST FOR BI-WEEKLY PAY

Company Name: _____ Date Application Completed: _____
Address of Company: Number, street, suite no.: _____ Federal Employer Identification Number (FEIN): _____
City or Town, State and Zip Code: _____ Email Address: _____
Name of Company Contact Person: _____ Title: _____ Telephone No. of Contact Person: _____
() () ()

B. CORPORATE OFFICE INFORMATION (If applicable)

Corporate Office Name: _____ Federal Employer Identification Number (FEIN): _____
Address of Corporate Office: Number, street, suite no.: _____
City or Town, State and Zip Code: _____
Name of Contact Person with Corporate Office: _____ Title: _____ Telephone No. of Corporate Office Contact Person: _____
() () ()

C. CERTIFICATION OF COMPANY/EMPLOYER

1. Please determine and select which category your company is eligible for (Only check ONE category):

a. Category 1 - said company, as stated above, certifies its average payroll exceeds 200% of the State minimum wage* and will pay its employee wages on a designated date on a bi-weekly basis:

(1) Company MUST submit payroll records with this application that demonstrates ability to meet and satisfy this requirement, and a brief explanation as to how the figures in the payroll records reflect the company's compliance with this requirement.

b. Category 2 - said company, as stated above, certifies its average payroll DOES NOT exceed 200% of the State minimum wage*. The company MUST provide the following information:

(1) Specify method wages shall be paid**
 Check Other

(2) Employer's designated pay day: (Check only one box)
 Monday Tuesday Wednesday
 Thursday Friday Other

(3) Classification of employees involved: _____

(4) Specify the salary ranges of employees involved: _____

*Note: As of January 1, 2016, the State minimum wage is \$0.80 per hour.
**Note: Direct Deposit and/or Pay Cards allowed with employer's written consent.

DLT is an equal opportunity employer/program - auxiliary aids and services available upon request. TTY via RI Relay 711 Labor Standards - Employee Bi-Weekly Pay Application - REV 10-21-2015.doc Page 1 of 2 Initial: _____

Form: Employee Biweekly Pay Application
Audience: Employers
Purpose: Decrease the frequency of weekly payroll

AFFIDAVIT OF CONTINUED COMPLIANCE

I, _____, being first duly sworn, depose and say:

Name _____

1. I have personal knowledge of the facts herein set forth.

2. All of the information provided in the Employee Bi-Weekly Pay Application for _____, dated _____ remains the same.
Company Name _____

3. _____ (company name) continues to satisfy all of the requirements set forth in the company's Employee Bi-Weekly Pay Application dated _____.

4. _____ (company name) has paid all employees their full wages in a timely manner since the Rhode Island Department of Labor and Training authorized the company to pay employees bi-weekly.

5. _____ (company name) continues to remain in compliance with all other state labor laws.

Signature _____
Title _____

On this _____ day of _____, _____, before me the undersigned notary public, personally appeared _____ (name of document signer), personally known to the notary to be the person who signed the preceding or attached document in my presence and who swore or affirmed to the notary that the contents of the document are truthful and accurate to the best of his/her knowledge and belief.

Signature of Notary _____
Print Name _____
My Commission Expires: _____
Notary ID #: _____

BWP Affidavit of Continue Compliance.doc
DLT is an equal opportunity employer/program - auxiliary aids and services available upon request. TTY via RI Relay: 711

Form: Bi-Weekly Pay Affidavit of Continued Compliance
Audience: Employers
Purpose: Notarized statement of continued compliance

Standby Letter of Credit Department
2 USA Boulevard
Mail Code: 000-000-00-00
Providence, RI 02345
SWIFT: BVNUN200

Date: January XX, 2014

DRAFT

IRREVOCABLE STANDBY LETTER OF CREDIT NUMBER: _____

BENEFICIARY
State of Rhode Island
Director or Director's Designee
Department of Labor and Training
Division of Workforce Regulation and Safety
Labor Standards Unit
1511 Pontiac Avenue, Bldg. 702
Cranston, Rhode Island 02902

APPLICANT/EMPLOYER
ABC Inc.
1234 Pontiac Way
Providence, RI 02345

EXPIRATION: At our counters on: _____

We hereby establish in your favor our Irrevocable Standby Letter of Credit No. _____ for the account of ABC Inc. up to the aggregate amount of \$100,000.00 (Ten Hundred Twenty Five Thousand and 00/100 U.S. DOLLARS), available by your draft(s) at sight drawn on USA Bank, N.A., 2 United States Boulevard, Mail Code: 000-000-00-00, Providence, RI 02345, accompanied by the following:

- A statement purporting to be signed by an authorized representative/officer of the Beneficiary reading as follows:
"We hereby certify that the draft amount represents funds due because ABC Inc. has failed to pay its hourly employees their bi-weekly earned hourly wages."
- The original of this Letter of Credit, and any amendments.

Each draft must be marked "Drawn under USA Bank, N.A. Letter of Credit No. _____ dated January XX, 2014."

It is a condition of this Irrevocable Standby Letter of Credit that it shall be deemed automatically extended without amendment for additional periods of one (1) year from its current expiration date, or any future expiration date, unless at least sixty (60) days prior to any such expiration date we shall notify you by overnight courier, that we elect not to consider this Irrevocable Standby Letter of Credit renewed for any such additional period.

We hereby agree that drafts drawn under and in compliance with the terms of this Letter of Credit will be duly honored upon delivery of documents, at our address stated herein, if presented to us on or before the close of business on the expiration date noted herein.

Please address all correspondence regarding this Irrevocable Standby Letter of Credit to the attention of our Standby Letter of Credit Department, located at 2 United States Boulevard, Mail Code: 000-000-00-00, Providence, RI 02345, mentioning our reference number as it appears above.

Except so far as otherwise stated herein, this Letter of Credit is subject to the International Standby Practices (ISP), International Chamber of Commerce Publication No. 590 (1998 Revision).

USA Bank, N.A.

John Doe
Banking Officer
(601) 123-4567

Example of Letter of Credit for Biweekly Pay Application

Rhode Island Minimum Hourly Wage Rates 1956 to Present

Minimum Wage Per Hour	Effective Date
\$0.90	October 1, 1956
\$1.00	October 1, 1957
\$1.15	September 3, 1962
\$1.25	September 3, 1963
\$1.40	July 1, 1967
\$1.60	July 1, 1968
\$2.05	July 1, 1974
\$2.30	January 1, 1976
\$2.65	July 1, 1979
\$2.90	July 1, 1980
\$3.10	July 1, 1981
\$3.35	July 1, 1982
\$3.55	July 1, 1986
\$3.65	July 1, 1987
\$4.00	July 1, 1988
\$4.25	August 1, 1989
\$4.45	April 1, 1991
\$4.75	September 1, 1996
\$5.15	January 1, 1997
\$5.65	July 1, 1999
\$6.15	September 1, 2000
\$6.75	January 1, 2004
\$7.10	March 1, 2006
\$7.40	January 1, 2007
\$7.75	January 1, 2013
\$8.00	January 1, 2014
\$9.00	January 1, 2015
\$9.60	January 1, 2016
\$10.10	January 1, 2018

As of January 1, 2019, the RI minimum wage is \$10.50

Federal Minimum Wage:

\$5.15	September 1, 1997
\$5.85	July 24, 2007
\$6.55	July 24, 2008
\$7.25	July 24, 2009

Source: RI Statistical and Fiscal Digest, Labor Market Information

Visit netWORKri Career Centers; Access the Business Workforce Center

netWORKri is Rhode Island's One-Stop Career Center System, a partnership of professional labor, training and education organizations. The netWORKri Centers are conveniently located throughout the state where job seekers and employers are matched through quality employment programs and services. For hours of operation and services available, please visit netWORKri online at www.networkri.org.



HOURS*: Monday-Thursday, 8 a.m.- 4 p.m.;
Friday, 10 a.m.- 4 p.m.
*except where otherwise noted



Providence netWORKri
One Reservoir Ave, Providence
(401) 462-8900



West Warwick netWORKri
1330 Main St., West Warwick
(401) 462-4100



Woonsocket netWORKri
219 Pond St., Woonsocket
(401) 235-1201



Wakefield netWORKri
*Open Tuesdays, Wednesdays and Thursdays only,
8 a.m. to 4 p.m.
4808 Tower Hill Rd., Wakefield
(401) 782-4362

The Business Workforce Center (BWC) offers a multitude of services to employers to promote programs and services supporting business retention and layoff aversion strategies such as WorkShare and Rapid Response. Services are customized to meet the demands of your business and can include developing job orders, coordinating recruitments/job fairs, candidate pre-screening to identify qualified applicants, as well as access to programs and tax credit information supporting new hires and incumbent workers.

Business Service Specialists from the BWC act as the department's liaisons to the business community and workforce development resources to simplify the process of doing business in Rhode Island. Employers are invited to the Walk-In Business Workforce Center weekdays from 8 am to 4 pm in the Pastore Complex, 1511 Pontiac Avenue, Cranston. The center is accessible via the main entrance of the Department of Labor & Training. Business Service Specialists will also visit you on site at your location.

For more information or to schedule a visit, please call the Business Workforce Center at our toll-free line 1-888-616-JOBS or email us at dlt.esu@dlt.ri.gov.

www.dlt.ri.gov/bwc

Labor Standards welcomes your QUESTIONS and COMMENTS

If you have questions or comments regarding Labor Standards, please feel free to contact us through the following:

Telephone Number: (401) 462-8550

Fax Number: (401) 462-8530

Check out the Labor Standards web site - www.dlt.ri.gov/ls for:

- Changes in Rhode Island's Minimum Wage Law: Rhode Island Minimum Wage is \$10.50 per hour as of January 1, 2019.
- Employee Bi-Weekly Pay Application Form is available on the web site.
- Non-Payment of Wages Complaint Form is available on the web site.
- Minimum Wage Posters as well as other posters, which must be posted in the workplace, are available on the web site or can be obtained through the Labor Standards Unit free of charge.

Rhode Island Department of Labor and Training web site - www.dlt.ri.gov

Joseph Degnan

Assistant Director of Workforce Regulation and Safety
Rhode Island Department of Labor and Training
1511 Pontiac Avenue, Cranston, RI 02920

E-mail address: Joseph.Degnan@dlt.ri.gov



DLT's Telephone Quick List



The list below provides phone numbers to the Rhode Island Department of Labor and Training's main units.

Area Code 401

Apprenticeship	462-8536
Arrigan Rehabilitation Center (formerly Donley).....	243-1200
Board of Review.....	462-9400
Employer Services.....	1-888-616-JOBS
Foreign Labor Certification.....	1-888-616-JOBS
Governor's Workforce Board RI.....	462-8860
Labor Market Information.....	462-8740
Labor Relations Board	462-8830
Labor Standards.....	462-8550
<i>netWORKri</i> Providence	462-8900
<i>netWORKri</i> Wakefield	782-4362
<i>netWORKri</i> West Warwick	462-4100
<i>netWORKri</i> Woonsocket.....	235-1201
Occupational Safety	462-8570
Prevailing Wage	462-8580
Professional Regulation.....	462-8580
Temporary Disability Insurance	462-8420
Unemployment Insurance:	
Call Center (Claims).....	243-9100
Administrative Benefits	462-8400
Workers' Compensation	462-8100
Workforce Development	462-8000
Workforce Investment Office	462-8780
Workforce Partnership of Greater Rhode Island	462-8730
Workforce Solutions of Providence Cranston	680-8585
Workshare Program.....	462-8418

Interested in learning more about services the Department of Labor and Training has to offer?
Visit the **Business Workforce Center** online at: www.dlt.ri.gov/bwc.

Other Agencies to Contact for Additional Information

Bankruptcy Court Clerk's Office
401-626-3100

Massachusetts Attorney General's Office
Fair Labor Business Practices Division
1-617-727-3465

Cobra & other Health Insurance Information
RI Dept. of Business Regulation
401-462-9500

RI Dept. of Commerce
401-278-9100

Discrimination/Sexual Harassment
RI Commission for Human Rights
401-222-2662

Occupational Health & Safety Administration
Private Sector
U.S. Department of Labor
401-528-4669

Equal Employment Opportunity
RI Dept. of Administration
State Employees Opportunity Office
401-222-3090

Pension Benefits Administration
U.S. Department of Labor
617-565-9600

Private Employees Equal Employment
Opportunity Commission
1-800-669-4000

Taxation
RI Division of Taxation
401-574-8922

Internal Revenue Service
1-800-829-1040

Wage & Hour (Federal)
U.S. Department of Labor
401-490-2370

Licenses/Exams
RI Dept. of Health
401-222-2828



This publication is a guide for Wage and Workplace Laws in Rhode Island.
For detailed information, please contact DLT's Labor Standards (Wage and Hour) Unit
at (401) 462-8550 or visit the web site at www.dlt.ri.gov/lis.



 **RI Department of Labor and Training**
Workforce Regulation and Safety Division
Labor Standards

Joseph Degnan, Assistant Director
Workforce Regulation and Safety Division
Labor Standards (Wage and Hour) Unit
1511 Pontiac Avenue • Cranston, RI 02920
Telephone: (401) 462-8550 • Fax: (401) 462-8530 • Web: www.dlt.ri.gov/lis

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