

Rhode Island Labor Law Changes Passed by Legislation

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The Rhode Island Legislature finished a busy season on the labor law front, passing a number of new laws that await the Governor's signature. Among the highlights:

Bi-Weekly Pay (H 6065 SUB B)

This Bill amends the current wage payment law and allows employers to pay employees only twice a month instead of having to pay certain employees every week. However, in order to qualify for coverage, an employer must file a petition with the Director of the Department of Labor and Training. Upon a showing by the employer of "good cause and sufficient reason," the Director may grant the petition, allowing wages to be paid less frequently than every week. An employer whose average payroll is less than 200% of the State's minimum wage must supply additional information to the Director as part of its petition, such as the classification and salary ranges of the affected employees, and must not have a history of wage and hour violations. In addition to filing a petition, an employer will be required to provide a bond or other security to ensure payment of all outstanding wages. This Bill was transmitted to the Governor on July 8 and, if signed or not vetoed, will take effect on January 1, 2014.

TDI – Temporary Caregiver Program (S 231 SUB B)

Currently the State's Temporary Disability Insurance (TDI) law covers employees who are unable to work due to a serious health condition. This Bill extends TDI benefits to workers who take time off to care for a seriously ill child, spouse, domestic partner, parent, in-law, grandparent, or to bond with a newborn child. Employees are limited to four (4) weeks of temporary caregiver benefits in a benefit year and, very similar to state and federal FMLA laws, will be required to provide notice of the need for leave and would be entitled to return to their position at the end of the leave. This Bill was transmitted to the Governor on July 5 and, if signed or not vetoed, will take effect on January 1, 2014.

Ban the Box Legislation (H 5507 SUB A / S 357 SUB A)

Currently, Rhode Island law prohibits employers from asking applicants on an employment application if they have been arrested. However employers may ask applicants about criminal convictions. Following the national trend, this legislation extends the prohibition to convictions, and prohibits employers from asking about arrests or convictions on employment applications, with limited exceptions. The legislation does not infringe on the employer's right to ask about convictions at the first interview of an applicant or thereafter. The House and Senate Bills were passed in the past week but have not yet been sent to the Governor for signature. Both Bills contain an effective date of January 1, 2014.

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