

2022 -- S 2980

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO PUBLIC PROPERTY AND WORKS -- LABOR AND PAYMENT OF DEBTS  
BY CONTRACTORS

Introduced By: Senator Michael J. McCaffrey

Date Introduced: May 19, 2022

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 37-13-13 of the General Laws in Chapter 37-13 entitled "Labor and  
2     Payment of Debts by Contractors" is hereby amended to read as follows:

3           **37-13-13. Furnishing payroll record to the awarding authority.**

4           (a) Every contractor, subcontractor, vendor, or provider awarded a contract for public  
5     works or school transportation services as defined by this chapter shall furnish a certified copy of  
6     his, her, or its payroll records of his, her, or its employees employed on the project to the awarding  
7     authority on a monthly basis for all work completed in the preceding month on a uniform form  
8     prescribed by the director of labor and training. Notwithstanding the foregoing, certified payrolls  
9     for department of transportation or other road, highway, or bridge public works may be submitted  
10    on the federal payroll form, provided that, when a complaint is being investigated, the director or  
11    his or her designee may require that a contractor resubmit the certified payroll on the uniform  
12    department form or provide actual payroll records.

13          (b) Awarding authorities, contractors, subcontractors, vendors, and providers shall provide  
14    any and all payroll records to the director of labor and training within ten (10) days of their request  
15    by the director or his or her designee.

16          (c) In addition, every contractor and subcontractor shall maintain on the site where public  
17    works are being constructed and the general or primary contract is one million dollars (\$1,000,000)  
18    or more, a daily log of employees employed each day on the public works project. The log shall

1 include, at a minimum, for each employee his or her name, primary job title, and employer and  
2 shall be kept on a uniform form prescribed by the director of labor and training. The log shall be  
3 available for inspection on the site at all times by the awarding authority and/or the director of the  
4 department of labor and training and the director's designee. This subsection shall not apply to road,  
5 highway, or bridge public works projects. For any offsite fabrication work subject to this section,  
6 the contractor, subcontractor or public body shall include a section in their weekly certified  
7 prevailing wage records that provides:

8 (1) The name and address of the manufacturer, shop or other type of prefabrication facility  
9 where the fabrication work was performed; and

10 (2) The name, address, and occupational classifications of each mechanic, apprentice,  
11 laborer or other employee employed in the performance of such work, the hours worked by, and  
12 wages paid to, each such employee.

13 (d) The director of labor and training may promulgate reasonable rules and regulations to  
14 enforce the provisions of this section.

15 (e) The awarding authority of any public works project shall withhold the next scheduled  
16 payment to any contractor, subcontractor, vendor, or provider who or that fails to comply with the  
17 provisions of subsection (a) or subsection (b) above and shall also notify the director of labor and  
18 training. The awarding authority shall withhold any further payments until such time as the  
19 contractor, subcontractor, or provider has fully complied. If it is a subcontractor who or that has  
20 failed to comply, the amount withheld shall be proportionate to the amount attributed or due to the  
21 offending subcontractor as determined by the awarding authority. The department may also impose  
22 a penalty of up to five hundred dollars (\$500) for each calendar day of noncompliance with this  
23 section, as determined by the director of labor and training. Mere errors and/or omissions in the  
24 daily logs maintained under subsection (c) shall not be grounds for imposing a penalty under this  
25 subsection.

26 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 a contractor, subcontractor or public body to include offsite  
2 fabrication work in weekly certified prevailing wage records, which would include the name and  
3 address of the facility where the fabrication work was performed and the names, addresses, and  
4 occupational classifications, and hours and wages, of any mechanic, apprentice or laborer who  
5 perform the fabrication work.

6           This act would take effect upon passage.

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