# 2014 -- H 7232

========
LC003768
========

# S T A T E   O F   R H O D E   I S L A N D

### IN GENERAL ASSEMBLY

### JANUARY SESSION, A.D. 2014

_____

### A N   A C T

### RELATING TO LABOR AND LABOR RELATIONS -- PAYMENT OF WAGES

It is enacted by the General Assembly as follows:

1      SECTION 1. Section 28-14-2.2 of the General Laws in Chapter 28-14 entitled "Payment

2  of Wages" is hereby amended to read as follows:

3      **28-14-2.2. Frequency of payment. [Effective January 1, 2014.] --** (a) Except as

4  provided in sections 28-14-4, 28-14-5 and subsections (b) and (c) of this section, every employee

5  other than employees of the state and its political subdivisions and of religious, literary, or

6  charitable corporations shall be paid weekly all due wages from his or her employer, except those

7  employees whose compensation is fixed at a biweekly, semi-monthly, monthly, or yearly rate.

8      (b) The director may, upon written petition showing good and sufficient reason, permit

9  employers in the state of Rhode Island whose average payroll exceeds two hundred percent

10  (200%) of the state minimum wage as defined in section 28-12-3 to pay wages less frequently

11  than weekly provided:

12      (1) The employer makes payment of wages regularly on a predesignated date no less

13  than twice per month;

14      (2) The employer provides proof of a surety bond or other sufficient demonstration of

15  security in the amount of the highest biweekly payroll exposure in the preceding year for the

16  employees subject to the petition; and

17      (3) If the involved employees are subject to collective bargaining, the employer provides

18  the written consent of the collective bargaining representative for all involved employees.

19      (c) The director may, upon written petition showing good and sufficient reason, permit

1 employers in the state of Rhode Island whose average payroll is less than two hundred percent

2 (200%) of the state minimum wage as defined in section 28-12-3 to pay wages and salaries of

3 their employees less frequently than weekly provided:

4       (1) The employer has supplied the department with the following information:

5       (i) The method through which wages shall be paid;

6       (ii) The requested frequency of payment;

7       (iii) The employer's designated payday(s);

8       (iv) The classification of the employees involved;

9       (v) The salary range of the employees involved; and

10       (vi) The employer's federal identification number;

11       (2) The employer makes payment of wages regularly on a predesignated date no less

12 than twice per month;

13       (3) The employer has no history of wage and hour violations;

14       (4) The employer provides proof of a surety bond or other sufficient demonstration of

15 security in the amount of the highest biweekly payroll exposure in the preceding year for the

16 employees subject to the petition; and

17       (5) If the involved employees are subject to collective bargaining, the employer provides

18 the written consent of the collective bargaining representative for all involved employees.

19       (d) If the director approves a written petition under subsection (b) or (c), the permission

20 is valid for an indefinite period of time, and there shall be no recertification required of the

21 employer so long as all provisions of the statute are met. Also, the department of labor and

22 training shall conform their rules and regulations to this section. The permission is valid so long

23 as and provided that:

24       (1) Payroll is regularly satisfied on the designated payday;

25       (2) The information provided by the employer to substantiate its request does not

26 change; and

27       (3) The employer remains in compliance with all other state labor laws.

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

EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

A N   A C T

RELATING TO LABOR AND LABOR RELATIONS -- PAYMENT OF WAGES

***

1        This act would require that the department of labor and training conform their rules and

2    regulations to this section. Also the department of labor and training would not set a period of

3    time for recertification.

4        This act would take effect upon passage.


========
LC003768
========