

1 person as an indentured apprentice, and the application of an applicant is accompanied by an
2 affidavit or affidavits of his or her employer or former employers or other reasonably satisfactory
3 evidence showing that the applicant has been actually engaged in electrical work as an apprentice
4 in Rhode Island during those four (4) years, or the application is accompanied by an affidavit or
5 other reasonably satisfactory evidence showing that the applicant has successfully completed a
6 course of study in a recognized college or university and has pursued a course of electrical
7 technology for at least two (2) academic years or is the recipient of an associate degree in electrical
8 technology, and has thereafter been indentured by the department of labor and training as an
9 apprentice for at least two (2) years and employed as an indentured apprentice by a duly licensed
10 electrician master in this state for a period of two (2) years, or a showing that the applicant possesses
11 a certificate of license issued under the laws of another state. Limited registered apprentice
12 electricians shall be required to work a minimum of four thousand (4,000) hours over a period of
13 time of not less than two (2) years.

14 (c) Indentured apprentice maintenance electricians are required to work a minimum of six
15 thousand (6,000) hours over a period of time of not less than three (3) years and successfully
16 complete a one hundred forty-four (144) hours of related instruction per year in an indentured
17 apprenticeship program approved by the Rhode Island department of labor and training, to qualify
18 for the journeyman "M" electrician examination. Provided, however, that the test applicant has
19 possessed for at least three (3) years prior to the filing of the application a certificate of registration
20 in full force and effect from the department of labor and training of Rhode Island specifying the
21 person as an indentured apprentice, and the application of an applicant is accompanied by an
22 affidavit or affidavits of his or her employer or former employers or other reasonably satisfactory
23 evidence showing that the applicant has been actually engaged in electrical work as an apprentice
24 in Rhode Island during those three (3) years. Class M journeyman electricians may qualify to
25 take the journeyman "B" electrician examination upon registering as a fourth year apprentice and
26 becoming employed by a properly licensed Class A electrical contractor for that period of time.

27 (d) Apprentice lightning protection installers are required to work a minimum of four
28 thousand (4,000) hours over a period of time of not less than two (2) years to qualify for the
29 lightning protection installer (LPI) examination. Provided, that the test applicant has possessed for
30 at least two (2) years prior to the filing of the application a certificate of registration in full force
31 and effect from the department of labor and training of Rhode Island specifying the person as an
32 apprentice lightning protection installer, and the application of an applicant is accompanied by an
33 affidavit or affidavits of his or her employer or former employers or other reasonably satisfactory
34 evidence showing that the applicant has been actually engaged in lightning protection work as an

1 apprentice during those two (2) years.

2 SECTION 2. Section 5-20-25 of the General Laws in Chapter 5-20 entitled "Plumbers,
3 Irrigators and Water System Installers" is hereby amended to read as follows:

4 **5-20-25. Registration of Apprentices.**

5 (a) Any person who has agreed to work a minimum of eight thousand (8,000) hours over a
6 period of time of not less than five (5) years under the direct supervision and instruction of a master
7 plumber or journeyman plumber as an apprentice to learn the plumbing business, and that
8 agreement is approved by the division of professional regulation, shall be registered ~~for an initial~~
9 ~~period of one year, with renewal on the applicant's birthday,~~ by the director of the department of
10 labor and training and have issued to him or her ~~upon the payment of a fee of twenty dollars~~
11 ~~(\$20.00)~~ a certificate showing that person to be a registered apprentice. ~~Every person who continues~~
12 ~~to work as an apprentice after the initial one year registration is required to register again as an~~
13 ~~apprentice and pay the fee.~~

14 (b) Any person who has agreed to work a minimum of two thousand (2,000) hours over a
15 period of time of not less than one year under the direct supervision and instruction of a master
16 irrigator or a journeyman irrigator as an apprentice to learn the irrigation business, and that
17 agreement is approved by the division of professional regulation, shall be registered ~~for an initial~~
18 ~~period of one year, with renewal on the applicant's birthday,~~ by the director of the department of
19 labor and training and have issued to him or her ~~upon the payment of a fee of twenty dollars~~
20 ~~(\$20.00)~~ a certificate showing that person to be a registered apprentice. ~~Every person who continues~~
21 ~~to work as an apprentice after the initial one year registration is required to register again as an~~
22 ~~apprentice and pay the fee.~~

23 (c) Any person who has agreed to work a minimum of two thousand (2,000) hours over a
24 period of time of not less than one year, under the direct supervision and instruction of a master
25 water-filtration/treatment-system installer or a journeyman water-filtration/treatment-system
26 installer, as an apprentice to learn the water-filtration/treatment business, and that agreement is
27 approved by the division of professional regulation, shall be registered ~~for an initial period of one~~
28 ~~year, with renewal on the applicant's birthday,~~ by the director of the department of labor and
29 training and have issued to them; ~~upon the payment of a fee of twenty dollars (\$20.00);~~ a certificate
30 showing that person to be a registered apprentice. ~~Every person who continues to work as an~~
31 ~~apprentice after the initial one year registration is required to register again as an apprentice and~~
32 ~~pay the fee.~~

33 SECTION 3. Section 28-27-18 of the General Laws in Chapter 28-27 entitled "Mechanical
34 Trades" is hereby amended to read as follows:

1 **28-27-18. Registration of Apprentices.**

2 (a) Any person who has agreed to work under the supervision of a licensed pipefitter,
3 refrigeration/air conditioning, sprinkler fitter or sheet metal master under a state sanctioned
4 apprenticeship program shall be registered by the director of labor and training ~~upon the payment~~
5 ~~of a twenty four dollar (\$24.00) annual fee~~ and be issued a certificate of apprenticeship. ~~A renewal~~
6 ~~certificate shall also be issued for twenty four dollars (\$24.00) for each succeeding twelve (12)~~
7 ~~month period.~~

8 (b) The minimum formal training period for a P.J.F. limited class II license shall be one
9 hundred sixty (160) hours of classroom and/or laboratory technical training, approved by the
10 department of labor and training. The fee schedules for the P.J.F. limited license are detailed in §
11 28-27-5.2. All other sections of this chapter shall remain in full force and effect.

12 SECTION 4. Sections 28-45-9.1 and 28-45-13.1 of the General Laws in Chapter 28-45
13 entitled "Apprenticeship Programs in Trade and Industry" are hereby repealed.

14 **~~28-45-9.1. Apprenticeship programs – Fees.~~**

15 ~~—A fee of one hundred twenty dollars (\$120) shall be paid by each program sponsor,~~
16 ~~except those sponsors who are in registered school to career apprenticeship programs only, and/or~~
17 ~~those sponsors who are licensed masters/contractors with the department of labor and training,~~
18 ~~division of professional regulation, requesting authorization as an approved sponsor from the state~~
19 ~~apprenticeship council. All state approved sponsors' certificates issued by the division of~~
20 ~~professional regulation, except those sponsors who are registered in school to career~~
21 ~~apprenticeship programs only, and/or those sponsors who are licensed masters/contractors with the~~
22 ~~department of labor and training, division of professional regulation, shall become due for annual~~
23 ~~renewal upon payment of a renewal fee of one hundred twenty dollars (\$120). Those fees shall be~~
24 ~~deposited as general revenues.~~

25 **~~28-45-13.1. Apprenticeship registration – Fees. —~~**

26 ~~A fee of twenty four dollars (\$24.00) shall be paid by each indentured apprentice, except~~
27 ~~those apprentices who are registered in school to career apprenticeship programs only, not~~
28 ~~registered as an apprentice with the division of professional regulation of the department of labor~~
29 ~~and training, except those apprentices who are registered in school to career apprenticeship~~
30 ~~programs only, requesting approval and registration with the department of labor and training. All~~
31 ~~state approved apprentice certificates that are not registered and renewable through the division of~~
32 ~~professional regulation of the department of labor and training shall become due for renewal~~
33 ~~annually for a renewal fee of twenty four dollars (\$24.00). All apprenticeship certificates issued by~~
34 ~~the division of professional regulation of the department of labor and training shall expire on the~~

1 ~~indentured date of the individual qualifying for the certificate.~~

2 SECTION 5. Section 5-6-32 of the General Laws entitled "Electricians" is hereby amended
3 to read as follows:

4 **5-6-32. Authority of director to assess penalty.**

5 (a) The director may assess an administrative penalty on any person, firm, or corporation
6 for any violation of the provisions of this chapter, after notice and a hearing, before and upon the
7 recommendation of the board of examiners of electricians in the amount of ~~five hundred dollars~~
8 ~~(\$500)~~ one thousand five hundred dollars (\$1,500) for the first violation and ~~nine hundred fifty~~
9 ~~dollars (\$950)~~ two thousand dollars (\$2,000) for a subsequent violation. All funds collected by the
10 labor and training department under this section shall be placed in the restricted receipts account
11 created pursuant to § 28-22-1.1. This section is in addition to any other action provided by law for
12 violations of this chapter.

13 (b) The chief of the section shall act as an investigator with respect to the enforcement of
14 all the provisions of law relative to the licensing of electricians and, to this effect, whenever a
15 complaint is made by the chief of the section to the director of the department of labor and training
16 or his or her designee that the provisions of this chapter are being violated, the director of the
17 department of labor and training or his or her designee may issue an order to cease and desist from
18 that violation and may impose the above penalties against the violator and against the contractor.

19 SECTION 6. Chapter 28-14 of the General Laws entitled "Payment of Wages" is hereby
20 amended by adding thereto the following section:

21 **28-14-17.1. Administrative Assessment.**

22 (a) Any employer found to have violated the provisions of this chapter upon final
23 determination by the department of labor and training, including claims settled
24 via settlement agreement and administrative hearing shall be assessed an administrative
25 penalty equal to fifteen percent (15%) to twenty five percent (25%) of the amount of back wages
26 ordered to be paid for a first violation within a three (3) year period. For subsequent violations
27 within a three (3) year period the assessment shall equal twenty five percent (25%) to fifty percent
28 (50%) of the amount of back wages ordered to be paid.

29 (b) In determining the amount of any penalty imposed under this section, the director or
30 his or her designee shall consider the good faith of the employer, the gravity of the violation, the
31 history of previous violations and whether or not the violation was an innocent mistake or willful
32 violation.

33 SECTION 7. Section 28-14-19.1 of the General Laws entitled "Payment of Wages" is
34 hereby amended to read as follows:

1 **28-14-19.1. Misclassification of employees.**

2 (a) The misclassification of a worker whether performing work as a natural person,
3 business, corporation or entity of any kind, as an independent contractor when the worker should
4 be considered and paid as an employee shall be considered a violation of this chapter.

5 (b) In addition to any other relief in which any department or an aggrieved party may be
6 entitled for such a violation, the employer shall be liable for a civil penalty in an amount not less
7 than ~~five hundred dollars (\$500)~~ one thousand five hundred dollars (\$1,500) and not greater than
8 three thousand (\$3,000) dollars for each misclassified employee for a first offense and up to five
9 thousand dollars (\$5,000) for each misclassified employee for any subsequent offense, which shall
10 be shared equally between the department and the aggrieved party.

11 (c) In determining the amount of any penalty imposed under this section, the director or his
12 or her designee shall consider the size of the employer's business, the good faith of the employer,
13 the gravity of the violation, the history of previous violations, and whether or not the violation was
14 an innocent mistake or willful.

15 (d) A violation of this section may be adjudicated under § 28-14-19 and consolidated with
16 any labor standards violation or under §§ 37-13-14.1 and 15 and consolidated with any prevailing
17 wage violation.

18 (e) A violation of this section may be brought or adjudicated by any division of the
19 department of labor and training.

20 (f) The department shall notify the contractor's registration board and the tax administrator
21 of any violation of this section.

22 SECTION 8. Sections 28-42-38.1, 28-42-64, 28-42-65 and 28-42-66 of the General Laws
23 in Chapter 28-42 entitled "Employment Security – General Provisions" are hereby amended to read
24 as follows:

25 **28-42-38.1. Quarterly wage reports.**

26 (a)(1) The department of labor and training is designated and constituted the agency within
27 this state charged with the responsibility of collecting quarterly wage information, as required by
28 42 U.S.C. § 1302b-7. Each employer shall be required to submit a detailed wage report to the
29 director, for all calendar quarters within thirty (30) days after the end of each quarter in a form and
30 manner prescribed by the director, listing each employee's name, social security account number,
31 the total amount of wages paid to each employee, and any other information that the director deems
32 necessary. All reports shall be in addition to those now required by the department.

33 (2) The department will utilize the quarterly wage information that it collects from
34 employers to establish an individual's eligibility for unemployment insurance benefits and to

1 determine the amount and duration of benefits for all new claims filed.

2 (3) Notwithstanding any provisions of chapters 42 – 44 of this title to the contrary, the
3 department may utilize employee quarterly wage information submitted by employers to measure
4 the progress of the state in meeting the performance measures developed in response to United
5 States Public Law 105-220, the Workforce Investment Act of 1998 (see 29 U.S.C. § 2801 et seq.),
6 further provided however, that the department may verify certain employee quarterly wage
7 information for the local workforce investment board and provide it with the verified data under
8 procedures established by rules and regulations promulgated by the director. The director shall also
9 make the quarterly wage information available, upon request, to the agencies of other states in the
10 performance of their public duties under the Workforce Investment Act of 1998 in that state. This
11 information shall be made available only to the extent required by the Secretary of Labor and
12 necessary for the valid administrative needs of the authorized agencies, and all agencies requesting
13 this data shall protect it from unauthorized disclosure. The department shall be reimbursed by the
14 agencies requesting the information for the costs incurred in providing the information.

15 (4) Notwithstanding any provisions of chapters 42 – 44 of this title to the contrary, the
16 department may provide quarterly wage information to the United States Census Bureau for the
17 purpose of participating in a joint local employment dynamics program with the United States
18 Census Bureau and the Bureau of Labor Statistics.

19 (5) Notwithstanding any provisions of chapter 42-44 of this title to the contrary, the
20 department may provide employee quarterly wage information to the department's designated
21 research partners for the purpose of its workforce data quality and workforce innovation fund
22 initiatives. The provision of these records will be done in accordance with an approved data-sharing
23 agreement between the department and its designated research partners that protects the security
24 and confidentiality of these records and through procedures established by protocols, rules and/or
25 regulations as determined necessary by the director and appropriately established or promulgated.

26 (b) Notwithstanding any inconsistent provisions of chapters 42 – 44 of this title, an
27 employer who fails to file a detailed wage report in the manner and at the times required by
28 subsection (a) of this section for any calendar quarter shall pay a penalty of twenty-five dollars
29 (\$25.00) for each failure or refusal to file. An additional penalty of twenty-five dollars (\$25.00)
30 shall be assessed for each month the report is delinquent; provided, that this penalty shall not exceed
31 ~~one hundred and fifty dollars (\$150)~~ two hundred dollars (\$200.00) for any one report. This penalty
32 shall be paid into the employment security tardy account fund and if any employer fails to pay the
33 penalty, when assessed, it shall be collected by civil action as provided in § 28-43-18.

34 **28-42-64. Failure to make contributions or reports.**

1 Any individual, or employing unit or its agent, who knowingly fails or refuses to make any
2 contribution or other payment required of an employing unit under chapters 42 – 44 of this title, or
3 who knowingly fails or refuses to make any contribution or report at the time and in the manner
4 required by the regulations adopted as prescribed in these chapters, shall upon conviction be
5 punished by a fine of not less than ~~ten dollars (\$10.00)~~ twenty-five dollars (\$25.00) nor more than
6 ~~one hundred dollars (\$100)~~ two hundred dollars (\$200.00), or by imprisonment not longer than
7 sixty (60) days, or by both the fine and imprisonment, and each day of that failure or refusal shall
8 constitute a separate and distinct offense. If the employer in question is a corporation, every officer
9 of the corporation who knowingly participates in any violation specified in this section shall be
10 subject to these penalties.

11 **28-42-65. Pecuniary penalty for failure to file reports or pay contributions.**

12 An employer who fails to file any reports required under chapters 42 – 44 of this title, or
13 who fails or refuses to pay any contributions required under those chapters in the manner and at the
14 times as required by the law and regulations or as the director may, in accordance with these
15 chapters, prescribe, shall pay a penalty of ~~ten dollars (\$10.00)~~ twenty-five dollars (\$25.00) for each
16 failure or refusal to file, and where any contribution is due, shall pay an additional penalty of ten
17 percent (10%) of the amount due. The foregoing penalties shall be paid into the employment
18 security tardy account fund, and shall be in addition to contributions and interest required to be
19 paid as provided in chapters 42 – 44 of this title. If any employer fails to pay a penalty, when
20 assessed, it shall be collected by civil action as provided in § 28-43-18.

21 **28-42-66. Penalty for violations generally.**

22 Any violation of any provision of chapters 42 – 44 of this title or of any order, rule, or
23 regulation of the board of review after consultation with the director, for which a penalty is neither
24 prescribed above nor provided by any other applicable statute, shall be punished by a fine of not
25 less than ~~twenty dollars (\$20.00)~~ twenty-five dollars (\$25.00) nor more than ~~fifty dollars (\$50.00)~~
26 two hundred dollars (\$200.00), or by imprisonment not longer than thirty (30) days, or by both the
27 fine and imprisonment.

28 SECTION 9. This article shall take effect as of July 1, 2017.