

2017 -- S 0771

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS - WAGES

Introduced By: Senators Calkin, Seveney, and Quezada

Date Introduced: April 12, 2017

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-14-1 of the General Laws in Chapter 28-14 entitled "Payment of
2 Wages" is hereby amended to read as follows:

3 **28-14-1. Definitions.**

4 Whenever used in this chapter:

5 (1) "Director" means the director of the department of labor and training or his or her
6 duly authorized representative.

7 (2) "Employee" means any person suffered or permitted to work by an employer, except
8 that independent contractors or subcontractors shall not be considered employees.

9 (3) "Employer" means any individual, firm, partnership, association, joint stock
10 company, trust, corporation, receiver, or other like officer appointed by a court of this state, and
11 any agent or officer of any of the previously mentioned classes, employing any person in this
12 state.

13 (4)(i) "Labor contractor" means an employer or a natural person, business, corporation, or
14 entity of any kind, regardless of its form, that provides a lead entity with employees, independent
15 contractors, subcontractors, or workers of any kind to perform labor or services.

16 (ii) No requirement of a valid contract, written or otherwise, is implied by the term "labor
17 contractor."

18 (iii) Independent contractors, subcontractors, or workers of any kind providing employees
19 to a lead entity, can be indirect or conducted through third-party subcontractors.

1 (5) "Lead entity" means an employer or a natural person, business, corporation, or
2 business entity of any kind, regardless of its form, that obtains or is provided one or more
3 worker(s) to perform labor or services related to the lead entity's business activities, operations, or
4 purposes from a labor contractor.

5 ~~(4)~~(6) "Wages" means all amounts at which the labor or service rendered is recompensed,
6 whether the amount is fixed or ascertained on a time, task, piece, commission basis, or other
7 method of calculating the amount.

8 SECTION 2. Chapter 28-14 of the General Laws entitled "Payment of Wages" is hereby
9 amended by adding thereto the following section:

10 **28-14-19.4. Lead entity liability.**

11 (a) A lead entity shall share with a labor contractor all civil legal responsibility and civil
12 liability for all workers supplied by that labor contractor for any violation of title 28. For purposes
13 of this section, the president and treasurer of a corporation and any officers or agents having the
14 management of such corporation shall also be deemed civilly liable for a violation of title 28.

15 (b) The provisions of subsection (a) of this section are in addition to, and shall be
16 supplemental to any other theories of liability, grounds for enforcement action, or requirements
17 established by statute or law.

18 (c) This section does not prohibit any person from establishing, exercising, or enforcing
19 any otherwise lawful rights or remedies.

20 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO LABOR AND LABOR RELATIONS - WAGES

- 1 This act would define and recognize the existence and potential liability of lead entities
- 2 concerning the payment of wages.
- 3 This act would take effect upon passage.

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