

2021 -- H 5856 SUBSTITUTE A

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LC001593/SUB A/2
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

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

Introduced By: Representatives Hawkins, Costantino, and Biah

Date Introduced: February 24, 2021

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

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

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

1 shall be kept on a uniform form prescribed by the director of labor and training. Such log shall be
2 available for inspection on the site at all times by the awarding authority and/or the director of the
3 department of labor and training and his or her designee. This subsection shall not apply to road,
4 highway, or bridge public works projects.

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

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

17 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 relieve regulatory burden by authorizing submission of certified payroll
- 2 using federal forms for all public works or allow the employer to provide actual payroll records.
- 3 This act would take effect upon passage.

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