

2023 -- H 5594

LC000396

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

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

Introduced By: Representatives Edwards, Bennett, Diaz, Kazarian, Casimiro, Casey, and
Alzate

Date Introduced: February 15, 2023

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, 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
5 road, highway, or bridge public works projects. For any offsite fabrication work subject to this
6 section, 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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