

2025 -- S 1113

=====
LC001461
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

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

Introduced By: Senators Thompson, Burke, Patalano, Dimitri, Quezada, Tikoian,
Ciccone, Vargas, and Raptakis

Date Introduced: May 23, 2025

Referred To: Senate Labor & Gaming

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 37-13-7 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 **37-13-7. Specification in contract of amount and frequency of payment of wages.**

4 (a) Every call for bids for every contract in excess of one thousand dollars (\$1,000), to
5 which the state of Rhode Island or any political subdivision thereof or any public agency or quasi-
6 public agency is a party, for the transportation of public and private school pupils pursuant to §§
7 16-21-1 and 16-21.1-8, or for construction, alteration, and/or repair, including painting and
8 decorating, of public buildings or public works of the state of Rhode Island or any political
9 subdivision thereof, or any public agency or quasi-public agency and that requires or involves the
10 employment of employees, shall contain a provision stating the minimum wages to be paid various
11 types of employees which shall be based upon the wages that will be determined by the director of
12 labor and training to be prevailing for the corresponding types of employees employed on projects
13 of a character similar to the contract work in the city, town, village, or other appropriate political
14 subdivision of the state of Rhode Island in which the work is to be performed. Every contract shall
15 contain a stipulation that the contractor or his or her subcontractor shall pay all the employees
16 employed directly upon the site of the work, unconditionally and not less often than once a week,
17 and without subsequent deduction or rebate on any account, the full amounts accrued at time of
18 payment computed at wage rates not less than those stated in the call for bids, regardless of any

contractual relationships that may be alleged to exist between the contractor or subcontractor and the employees, and that the scale of wages to be paid shall be posted by the contractor in a prominent and easily accessible place at the site of the work; and the further stipulation that there may be withheld from the contractor so much of the accrued payments as may be considered necessary to pay to the employees employed by the contractor, or any subcontractor on the work, the difference between the rates of wages required by the contract to be paid the employees on the work and the rates of wages received by the employees and not refunded to the contractor, subcontractors, or their agents.

(b) The terms “wages,” “scale of wages,” “wage rates,” “minimum wages,” and “prevailing wages” shall include:

(1) The basic hourly rate of pay; and

(2) The amount of:

(i) The rate of contribution made by a contractor or subcontractor to a trustee or to a third person pursuant to a fund, plan, or program; and

(ii) The rate of costs to the contractor, subcontractor, vendor, or provider that may be reasonably anticipated in providing benefits to employees pursuant to an enforceable commitment to carry out a financially responsible plan or program that was communicated in writing to the employees affected, for medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, for unemployment benefits, life insurance, disability and sickness insurance, or accident insurance, for vacation and holiday pay, for defraying costs of apprenticeship or other similar programs, or for other bona fide fringe benefits, but only where the contractor or subcontractor is not required by other federal, state, or local law to provide any of the benefits; provided, that the obligation of a contractor or subcontractor to make payment in accordance with the prevailing wage determinations of the director of labor and training insofar as this chapter of this title and other acts incorporating this chapter of this title by reference are concerned may be discharged by the making of payments in cash, by the making of contributions of a type referred to in subsection (b)(2), or by the assumption of an enforceable commitment to bear the costs of a plan or program of a type referred to in this subdivision, or any combination thereof, where the aggregate of any payments, contributions, and costs is not less than the rate of pay described in subsection (b)(1) plus the amount referred to in subsection (b)(2).

(A) Notwithstanding any other law, rule, regulation, agreement, or practice to the contrary, commencing on July 1, 2024, a contractor or subcontractor is not permitted to make a payment of the cash equivalent of any applicable healthcare benefit, as predetermined per each classification

1 by the director of labor and training, directly to the employee in lieu of actually purchasing the
2 healthcare benefit for said employee for the applicable time period. The contractor or subcontractor
3 shall actually purchase the healthcare benefit for the employee for the covered period of time from
4 a licensed third-party healthcare provider. Provided, however, exempt from the provisions of this
5 subsection (b)(2)(ii)(A) shall be:

6 (I) Any employee currently receiving a healthcare benefit because of their relationship as
7 a child, spouse, or domestic partner of a covered person or any employee who is the recipient of
8 healthcare coverage in connection with active military service or through Veterans Affairs; and

9 (II) Any employee who is employed on a “short-term basis,” which, for purposes of this
10 section, shall mean a period of ninety (90) days or less.

11 (B) The contractor or subcontractor shall provide a proof of purchase of the healthcare
12 benefit to the employee and the employee’s bargaining agent, if applicable. “Proof of purchase”
13 means documents substantially similar to declaration pages in an insurance policy indicating the
14 entity providing the healthcare benefit coverage or insurance therefor; the identity of the individual
15 covered; the type and amount of coverage; and the coverage period.

16 (C) Notwithstanding any other law, rule, regulation, agreement, or practice to the contrary,
17 commencing on July 1, 2025, unless employed ninety (90) days or less, a contractor or
18 subcontractor shall not be permitted to make a payment of the cash equivalent of any applicable
19 retirement or pension benefit, as predetermined per each classification by the director of the
20 department of labor and training, directly to the employee in lieu of actually purchasing the
21 retirement and/or pension benefit for said employee. The department of labor and training may
22 require any contractor or subcontractor to provide proof that it is providing this benefit to its eligible
23 employees.

24 ~~(C)~~(D) Any contractor or subcontractor who or that fails to comply with the requirements
25 of this section shall be required to pay a civil penalty to the director of labor and training in an
26 amount of not less than one thousand dollars (\$1,000) and not greater than three thousand dollars
27 (\$3,000) per violation. Penalties shall be recoverable in a civil action pursuant to this section by the
28 director of labor and training.

29 ~~(D)~~(E) The director of labor and training is authorized to obtain injunctive relief against
30 continuing violations of the provisions of this section.

31 ~~(E)~~(F) Any employee or bargaining agent who has been aggrieved by the failure of a
32 contractor or subcontractor to actually purchase the healthcare benefit for employees and provide
33 the employee and/or their bargaining agent with proof of purchase under this section may pursue a
34 private right of action under the terms of § 37-13-17.

1 (c) The term “employees,” as used in this section, shall include:

2 (1) Employees of contractors or subcontractors performing jobs on various types of public
3 works including mechanics, apprentices, teamsters, chauffeurs, and laborers engaged in the
4 transportation of gravel or fill to the site of public works, the removal and/or delivery of gravel or
5 fill or ready-mix concrete, sand, bituminous stone, or asphalt flowable fill from the site of public
6 works, or the transportation or removal of gravel or fill from one location to another on the site of
7 public works, and the employment of the employees shall be subject to the provisions of
8 subsections (a) and (b); and

9 (2) Persons employed by a provider contracted for the purpose of transporting public and
10 private school pupils pursuant to §§ 16-21-1 and 16-21.1-8 shall be subject to the provisions of
11 subsections (a) and (b) of this section. For the purposes of this subsection the term employee
12 includes school bus drivers, aides, and monitors who are directly providing transportation services;
13 the term employee does not include mechanics, dispatchers, or other personnel employed by the
14 vendor whose duties are normally performed at a fixed location.

15 (d) The terms “public agency” and “quasi-public agency” shall include, but not be limited
16 to: the Rhode Island industrial recreational building authority, the Rhode Island commerce
17 corporation, the Rhode Island airport corporation, the Rhode Island industrial facilities corporation,
18 the Rhode Island refunding bond authority, the Rhode Island housing and mortgage finance
19 corporation, the Rhode Island resource recovery corporation, the Rhode Island public transit
20 authority, the Rhode Island student loan authority, the water resources board corporate, the Rhode
21 Island health and education building corporation, the Rhode Island turnpike and bridge authority,
22 the Narragansett Bay water quality management district commission, the Rhode Island
23 telecommunications authority, the convention center authority, the council on postsecondary
24 education, the council on elementary and secondary education, the capital center commission, the
25 housing resources commission, the Quonset Point-Davisville management corporation, the Rhode
26 Island children’s crusade for higher education, the Rhode Island depositors economic protection
27 corporation, the Rhode Island lottery commission, the Rhode Island partnership for science and
28 technology, the Rhode Island public building authority, and the Rhode Island underground storage
29 tank board.

30 (e) If any one or more subsections of this section shall for any reason be adjudged
31 unconstitutional or otherwise invalid, the judgment shall not affect, impair, or invalidate the
32 remaining subsections.

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

=====
LC001461
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO PUBLIC PROPERTY AND WORKS -- LABOR AND PAYMENT OF DEBTS
BY CONTRACTORS

- 1 This act would prohibit a contractor or subcontractor from making a payment of the cash
- 2 equivalent of any retirement or pension benefit directly to an employee in lieu of actually
- 3 purchasing the retirement or pension benefit if the employee has been employed in excess of ninety
- 4 (90) days.
- 5 This act would take effect upon passage.

=====
LC001461
=====