RI Department of Labor and Training

Employer Handbook

Guide to Rhode Island's Labor Laws and the Services Available to Employers

Governor Gina M. Raimondo
Director Scott R. Jensen

INTRODUCTION TO EMPLOYER HANDBOOK AND DIGEST OF LABOR LAWS

The Department of Labor and Training administers a number of programs for the protection and advancement of Rhode Island's workforce. These include programs such as Unemployment Insurance, Temporary Disability Insurance, Workers' Compensation, Injured Worker Services, Workforce Regulation and Safety, and Workforce Development Services offered through the netWORKri Career Centers. The Department also supports autonomous bodies such as the Board of Review, the Labor Relations Board, Human Resource Investment Council, and the Governor's Workforce Board-RI. This publication is designed to provide employers with the information they need to understand and meet the requirements placed on them by these programs.

The Department administers the Unemployment Insurance (UI) program, which provides benefits to eligible jobless workers. The UI program is financed by a tax on the employer's payroll. The Department also offers a Worksharing program that is an alternative to layoffs and can help employers get through difficult times without losing their valued employees.

The Department also administers the Temporary Disability Insurance (TDI) program, which pays benefits to eligible workers idled by non work-related injury or illness. For 2014, the Temporary Caregiver Insurance (TCI) program was added by the legislature. The TCI program provides eligible claimants with up to four weeks of caregiver benefits to care for a seriously ill child, spouse, domestic partner, parent, parent-in-law or grandparent, or to bond with a newborn child, new adopted child or new foster-care child.

The Department is also responsible for the Workers' Compensation Insurance program. In addition, the Dr. John E. Donley Rehabilitation Center provides rehabilitative services exclusively for persons injured at work in Rhode Island. All of the services are free of charge to the injured employee and employer.

The Department also oversees a number of workforce regulation and safety programs. Information on RI's labor laws are outlined in the **Digest of Labor Laws** in the second half of this book.

Employers also contribute to the Job Development Fund, which is overseen by the Governor's Workforce Board (GWB-RI). This fund provides employers with a way to train and upgrade existing employees without regard to income eligibility restrictions common to federally funded training programs.

In addition, the Department offers a wide range of reemployment programs and services through a system of netWORKri One-Stop Career Centers. The available programs and services include: job development and training, job recruitment, screening, and referral as well as special services for Veterans through dedicated representatives. There are no fees charged to either the employer or the job seeker for any of these services.

Labor market reports, studies, and information designed to assist business, labor, government, education and job seekers are developed and published by the Department's Labor Market Information (LMI) Unit. Much of this information is available through the Department's LMI web site at: www.dlt.ri.gov/lmi.

The Employer Tax Section of the Department of Administration oversees the tax functions of the Department of Labor and Training. Specific information on various tax issues is contained throughout this Handbook, and at the Employer Tax Section website at: www.uitax.ri.gov.

We hope that this Handbook will help employers understand the many requirements, programs and services administered by the Department of Labor and Training.

RHODE ISLAND DEPARTMENT
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Employer Handbook
Section I

The most recent edition of the Employer Handbook, which includes updated information, is now available on the LMI web site at www.dlt.ri.gov/lmi/publications/handbook.htm

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SUBJECT EMPLOYERS

With few exceptions, employers of one or more workers in Rhode Island are subject to the Employment Security and the Temporary Disability Insurance Acts. Employers of part-time and seasonal workers are subject even if their employees work for only part of a day. Employers of domestic workers who have paid $1,000 or more in total cash wages in any calendar quarter are also subject.

The State of Rhode Island and local governments are subject to Employment Security. The State and local governments, or their instrumentalities, have the option to elect Temporary Disability Insurance coverage for individuals or specific classes of individuals (see Section 28-39-3.1 of the TDI Act).

Some Employers Not Subject May Participate Voluntarily

Certain exempt employers, including religious organizations and employers of domestic workers who have paid less than $1,000 in total cash wages in any calendar quarter, may choose to become subject. Individuals or specific classes of individuals employed by local governments and their instrumentalities may be covered by TDI if such coverage is elected by the city or town where they work. Employers can learn about voluntary participation by calling (401) 574-8700 or writing to:

Division of Taxation
Employer Tax Section
One Capitol Hill, Suite #36
Providence, RI 02908-5829

INSURED WORKERS

Virtually all employees in Rhode Island are covered by Unemployment Insurance (UI), including agricultural employees and domestic workers whose employers have paid $1,000 or more total cash wages in any calendar quarter.

Employment Outside the United States

U.S. Citizens who perform services for Rhode Island employers outside the United States (except Canada) are covered by Unemployment and Temporary Disability Insurance. While a claim for TDI benefits can be filed from anywhere, a claim for Unemployment Insurance may only be filed in the United States, U.S. Virgin Islands, Puerto Rico, or Canada.

Multi-State Workers

Many workers perform services in more than one state. For information concerning coverage of multi-state workers, call (401) 574-8700.

Workers Who Are Not Insured

The law exempts certain types of workers from both UI and TDI coverage. A list of these exemptions is provided below:

a) An owner of a business who is the sole proprietor, or married to the sole proprietor.

b) Children under the age of 18 who are working for their parent who is sole proprietor of a business.

c) Parents working for their son or daughter who is the sole proprietor of a business.

d) Partners in a business operating as a partnership.

e) Students working at a school, college, or a university where they are enrolled and regularly attending classes. ***NOTE: Employers who are subject to the Employment Security and Temporary Disability Insurance Acts are required to report employment and to pay contributions on any taxable wages earned by students.***

f) A licensed real estate salesperson who is paid entirely on commission.

g) Insurance brokers, agents, sub-agents (other than industrial or debit agents) paid entirely on commission.

h) Employees of a church, church convention, or association of churches, or in a religious organization, which is operated, supervised, controlled and principally supported by a church or association of churches.

i) Duly ordained, commissioned, or licensed ministers of churches in the exercise of their ministries, or members of religious orders in the exercise of duties required by such orders.

j) Students enrolled in nonprofit or public schools with regular faculties and curriculums, and who are in accredited, full-time programs combining academic instruction with work experience. Schools must certify to the employer that such employment is an integral part of the academic program.

k) The operating crew of a fishing boat with a normal crew of less than ten persons whose sole remuneration is a share of the catch.

l) Workers performing services as members of an Americorp program.

Exemptions from TDI Only

a) Workers whose religion depends on prayer or other spiritual means for healing may refuse TDI coverage by filing an affidavit with the Director of the Employer Tax Unit, RI Division of Taxation, and their employer. No deductions will be made from their salary for TDI.

b) Minors 14 or 15 years of age are exempt from the provisions of the TDI regulations. No deductions should be made from their salary for TDI. They are covered for Unemployment Insurance.

c) State and local government employees (unless their employers elect to have them covered).

d) Disabled persons employed through a "supported employment" program may elect exemption.

BECOMING A SUBJECT EMPLOYER

Anyone starting a business or buying an existing business must notify the Department of Labor and Training before operations begin. The Department will send an application for Determination of Tax Liability (Form BAR) to be completed and returned promptly. Forms can be obtained by calling (401) 574-8700, or by visiting the Rhode Island Division of Taxation, One Capitol Hill, Providence, RI, or visit our web site at: www.uitax.ri.gov. Employers may also file their BAR form online. Simply select the menu item titled "Online Employer Registration" and follow the instructions to submit your form via the Internet.

After it is determined that an employer is subject to the provisions of the Employment Security and Temporary Disability Insurance Acts, a Registration Account Number will be assigned. The Registration Number is printed on all tax and reporting forms sent to the employer and should be used on all correspondence to us.

The Department also issues a Registration Certificate and a ***Notice to all Employees (Form TX-6)*** to be displayed on the business premises.

Status Changes

If an employer goes out of business, changes the name of the company, or in any other way, alters the status of ownership (sale, lease, foreclosure, receivership, bankruptcy), the Employer Tax Unit must be notified immediately. The Employer Tax Unit will issue a new application for ***Determination of Tax Liability (Form BAR)*** or a ***Report of Employer Termination of Registration, (DLT TX-13),*** depending on the change.

Unregistered Employers

Anyone who conducts business as an employer in Rhode Island without a registration, or after a registration has been suspended or revoked, shall be guilty of a misdemeanor for each day in which they conduct business. By law, each offense shall be punishable by a fine of not more than $5,000 and/or imprisonment for up to one year. Each day of business so conducted constitutes a separate offense.

Independent Contractors

There is a distinction between independent contractors and employees. The determination of independent contractor or employee status shall be based on the same factors used by the Internal Revenue Service in its code and regulations.

If anyone's status as an independent contractor is in question, the RI Division of Taxation, Employer Tax Section, will issue a ruling upon review of a written statement of facts. For answers to questions concerning independent contractors call (401) 574-8700.

INFORMATION EMPLOYERS MUST POST

When an employer becomes subject to the provisions of the Employment Security and Temporary Disability Insurance Acts, the Department sends a ***Notice To All Employees (Form DLT-TX-6)*** poster with basic information on the rights of insured workers. This notice, along with all other required posters must be displayed at the place of business in a location visible to employees.

The DLT Combo poster, which combines all six DLT required posters, along with individual required posters, can be found and printed from the DLT web site at **www.dlt.ri.gov/lmi/business/post.htm**. You can also obtain copies by calling the telephone numbers listed below.

Required DLT Posters

Poster	Contact	Telephone
Combination Poster - combines the 6 required DLT posters onto one 11" x 17" poster or on two 8 1/2" x 11" posters if printing from the web site. Both posters are available in English, Spanish, and Portuguese	Employer Service Unit (ESU)	1-888-616-JOBS 1-888-616-5627
RI Parental & Family Medical Leave Act (For Employers with more than 50 Employees)	Labor Standards	401-462-8550
RI Right-to-Know Law (Hazardous Substance)	Occupational Safety	401-462-8570
Prevailing Wage: Working on State or Municipal Financed Construction Projects	Prevailing Wage	401-462-8580 press #7
Minimum Wage	Labor Standards	401-462-8550
RI Unemployment Insurance & Temporary Disability Insurance Law DLT-TX-6	Marketing/Communications	401-462-8810
Workers' Compensation (WC) Act	WC Education Unit	401-462-8100 press #1

Other State Department/Agency Required Posters

Poster	Contact	Telephone
Discrimination is Illegal www.dlt.ri.gov/lmi/pdf/DiscriminationPoster.pdf	RI Commission for Human Rights	401-222-2661
Sexual Harassment www.dlt.ri.gov/lmi/pdf/sexharassment.pdf	RI Commission for Human Rights	401-222-2661
It is Illegal to Smoke in this Establishment http://www.health.ri.gov/healthrisks/tobacco/for/restaurantsbusinesses/index.php	RI Dept. of Health Tobacco Control	401-222-5960

Federal Required Posters

Poster	Web site	Telephone
Fair Labor Standards Act (Minimum wage)	www.dol.gov/esa/regs/compliance/posters/flsa.htm	1-866-4-USWAGE
Notice to Workers with Disabilities	www.dol.gov/esa/regs/compliance/posters/disab.htm	1-866-4-USWAGE
Family and Medical Leave Act	www.dol.gov/esa/regs/compliance/posters/fmla.htm	1-866-4-USWAGE
Uniformed Services Employment & Reemployment Rights Act Notice	www.dol.gov/osbp/sbrefa/poster/userra.htm	1-866-4-USWAGE
Migrant Seasonal Agricultural Worker Protection Act	www.dol.gov/esa/regs/compliance/posters/mspaensp.htm	1-866-4-USWAGE
Equal Employment Opportunity Act	www.dol.gov/esa/regs/compliance/posters/eeo.htm	1-866-4-USADOL
Employee Polygraph Protection Act	www.dol.gov/esa/regs/compliance/posters/eppa.htm	1-866-4-USWAGE
Job Safety & Health Protection OSHA Notice	www.osha.gov/Publications/poster.html	---

REQUIRED EMPLOYER PAYROLL RECORDS

All employers must maintain payroll records for inspection by authorized agents of the RI Division of Taxation, Employer Tax Section, and the RI Department of Labor and Training. These records should be kept for at least four years from the date when Employment Security (ES), Temporary Disability Insurance (TDI) and Job Development Fund (JDF) taxes are due or paid, whichever is later. Information contained in these records is kept confidential. Employers should record the following information about each worker:

1.) Name, address, and social security number

2.) Rate of pay and effective date

3.) Number of hours worked each day

4.) Last day of employment and reason for termination

5.) For each payroll period

a) Gross amount of cash wages for the specified period, including vacation pay, holiday pay, and bonuses. Do not include sick leave pay that is paid under a plan or system

b) Cash value of any wages paid in any medium other than cash

c) Commissions, bonuses, tips, and dismissal wages

d) Payments for traveling and other business expenses in excess of actual expenses incurred

Reporting Tips and other Gratuities

Employers must report tips and other gratuities as part of an employee's wages. The minimum amount of tips reported to the Division of Taxation and DLT must be equal to the credit allowed under the State Minimum Wage Law (www.dlt.ri.gov/ls/minimumwage.htm). For each week workers receive tips in excess of the minimum wage they should fill out and sign a ***Statement of Earnings from Tips or Gratuities (Form DLT-TX-5)***. The employer should also sign the form and attach it to the payroll records. Meals and lodging are recorded on the same form.

Receipt for Noncash Gifts

The cash value of gifts (turkeys, hams, candy, food baskets, flowers, etc.) given to workers by employers on holidays, weddings, or other occasions, is *not* to be reported as wages.

Employee Contributions to Benefit Plans

Employee contributions to retirement plans (such as 401K plans), medical insurance or disability insurance plans and Section 125 cafeteria plans are excluded from the definition of wages under the RI Employment Security and Temporary Disability Insurance Acts. Therefore, those contributions should not be included as either total or taxable wages subject to Employment Security, Temporary Disability Insurance and Job Development Fund taxes.

Further information on this subject may be obtained by calling the Employer Tax Unit at (401) 574-8700.

All employers are required to pay Employment Security, Temporary Disability Insurance and Job Development Fund taxes and report individual employee wages on a quarterly basis. All registered employers are notified by mail every December of the tax rate and taxable wage base to be in effect on January 1st of the following year.

Employment Security Tax

Employers must pay the Employment Security Tax quarterly. This tax is based on each employee's wages up to the annually computed taxable wage base. The amount is determined by multiplying the individual employer's tax rate by the total amount of taxable wages paid by the employer. (See Section on *Computation of Individual Employer Tax Rate on page 13*). Employers may obtain tax rate and wage base information by calling (401) 574-8700.

Job Development Assessment

Each tax schedule includes a 0.21% assessment, 0.19% of which is used to support the Rhode Island Human Resource Investment Council (HRIC). The remaining 0.02% is used to support Employment Services and Unemployment Insurance activities. The HRIC assists Rhode Island employers by funding a variety of projects designed to improve and upgrade the skills of the existing workforce. For information about the HRIC, refer to their section in this Handbook, or call (401) 462-8860.

Temporary Disability Insurance Tax

This is a tax paid by ***employees*** through payroll deduction. Employers are responsible for making the required deductions from their workers' earnings and forwarding all TDI withholdings to the Department each quarter (along with Unemployment Insurance and Job Development Fund taxes). Employers may also obtain tax rate and wage base information by calling (401) 462-8420.

NOTE: TDI withholdings are held in trust by employers until paid. There are several possible penalties for not remitting all TDI withholdings to the Department.

Electronic Funds Transfer

Employers are required to pay Employment Security, Temporary Disability Insurance and Job Development Fund taxes by electronic funds transfer if the total liability for all of these taxes exceeds ten thousand dollars ($10,000.00) for any quarter. Payment by EFT is optional for employers whose quarterly tax liability is less than ten thousand dollars ($10,000.00). For more information on paying these taxes via EFT, call (401) 574-8700.

QUARTERLY WAGE REPORTS

Quarterly Tax and Wage Reports (Form TX-17) are mailed to each employer in advance of the due date. Employers must enter employment and wage data and calculate the amount of taxes due in the Tax Report Section. Employers must also enter the social security number, name, , the number of hours for which the employee received pay during the quarter and total wages paid to each employee during the quarter in the Wage Report Section or use a computer listing in a format which matches the Department's format. Employers with 200 or more employees on their payroll are required by law to submit their wage data electronically. Payroll service providers who have twenty or more clients are required to file ***Quarterly Tax and Wage Reports (Form TX-17)*** for their clients electronically. Employers using the services of a payroll company are encouraged to submit the required wage information electronically, the specifications for which are available from the Wage Record Unit. For more information on filing wage reports electronically, or for filing TX-17 quarterly wage and tax reports, call (401) 574-8700.

Employer tax reports, tax payments, and wage reports are due by the last day of the month following the end of each calendar quarter. Quarterly due dates are April 30, July 31, October 31, and January 31.

This form must be completed and filed by all Rhode Island employers including those with no wages and not required to fill in the Quarterly Tax Section of the form. Employers should report only on employees to whom wages were paid during the quarter. The monthly employment data reported on line item one should be a count of all full-time and part-time workers in covered employment (subject to Rhode Island's Unemployment Compensation Law) who performed services during, or received pay for, the payroll period which includes the 12th of the month. If there was no employment in the payroll period, enter zero. The report should include information only for the current quarter. Corrections or adjustments for previously reported quarters must be submitted separately with a letter of explanation. Payment by Electronic Funds Transfer is permitted. For more information, call (401) 574-8700. Employers may also file their Quarterly Tax and Wage information online. Simply select the online Tax Reporting menu item at our web site: www.uitax.ri.gov and follow the instructions to submit your information via the Internet.

Adjustments

If an employer discovers that an error was made in reporting information, or in paying taxes, the employer should notify the Department by sending a letter of explanation or an amended TX-17. For more information, call (401) 574-8700.

RI Division of Taxation
Employer Tax Section
One Capitol Hill, Suite #36
Providence, RI 02908-5829

Determination of Contributions without Report by Employer

If an employer, for any reporting period, fails to file a report used for determining the amount of contributions payable, the Tax Administrator will determine the amount due. This amount shall finally and irrevocably be fixed unless the employer shall, within 20 days after being notified of the determination, apply to the Board of Review for a hearing, (See Glossary on page 25).

Voluntary Contribution

Beginning in 2016, Rhode Island will offer employers the opportunity to reduce their unemployment insurance tax by making a voluntary contribution to their unemployment insurance account. The contribution will be applied as an additional credit for the qualifying year potentially increasing the accounts reserve percentage and decreasing the experience rate for the calendar year.

Determining Voluntary Contribution Eligibility

Employers are not eligible for voluntary contributions during the current year if:

- They have a new employer tax rate and therefore do not have experience history sufficient enough to compute an experience tax rate.
- They have not filed all required Quarterly Tax and Wage Reports (TX17), required information, or have an Accounts Receivable balance with the Employer Tax Unit.
- They already have the lowest possible experience tax rate.
- They had an acquisition after April 30th of the qualifying year.
- They are a Reimbursable employer.

If the company is delinquent it may file any outstanding report(s), pay the amount due and make a voluntary contribution. Any outstanding debt must be paid separately and not included with the contribution payment.

How to make a Voluntary Contribution payment

Payments must be made only by certified check or money order which clearly indicates that it is for a payment of a voluntary contribution. All payments must accompany a Voluntary Contribution Application and include the employer registration number (ERN) in the memo. The eligible payment in its entirety is nonrefundable. All payments received will be applied to only the current year's voluntary application unless upon receipt the account is delinquent, missing returns or required information. In that case, the contribution will be applied to the preexisting balance on the account. If the payment exceeds the liabilities then the remaining amount may be refunded. For qualifying employers, all voluntary contributions will be applied to the account and they are nonrefundable.

When a Voluntary Contribution can be made

Every December Rhode Island Department of Employer Tax will notify employers of their experience tax rate for the coming year. Included in this yearly mailing will be the Voluntary Contribution Application. Each application is due 30 days after the indicated mailing date of the Experience Rate Tax notice or prior to the expiration date, which is 120 days from the first day of the calendar year (April 30th in cases where an employer is newly registered or rerated) whichever comes first. All employers will be notified in writing with a revised rate notice no later than 30 days after the receipt of the application and payment. Only one voluntary contribution can be made per qualifying year. Questions regarding a company's eligibility can be directed to Employer Tax at (401) 574-8767.

Penalties and Interest

A penalty of $10 is assessed for failure to submit a timely contribution report. In addition, a penalty of 10% of the amount due is assessed for failure to remit timely Employment Security, TDI or Job Development Fund taxes. A penalty of $25 per month will be assessed for each month a quarterly wage record report is delinquent, up to a maximum of $150 for each report. The law further prescribes that employers who are delinquent be assessed interest of 1.5% per month on the outstanding balance, from date due until paid. This penalty and interest cannot be waived for any reason.

The law also empowers the Tax Administrator to suspend and/or revoke the registration or registrations of any employer who fails to file required Labor and Training reports or to pay taxes due. The employer will be given a five-day notice of such action. In order to assure future compliance, the Tax Administrator may require a bond with surety or deposit of sufficient security before issuing a new registration.

Liquor license holders will not be allowed to renew or transfer such license if taxes, penalties, or interest is owed.
All taxes, interest and penalties due shall be a debt due from the employer to the State and shall, until collected, constitute a lien on all the employer's real property acquired by the employer in the same cities or towns in which a notice of lien is filed for a period of six years from the date of filing. In the case of delinquent Temporary Disability Insurance contributions the Tax Administrator can request that the state controller charge this debt off against any payments owed by the State to the delinquent party.

The sale or transfer of any assets by an employer, other than those rendered in the ordinary course of the employer's trade or business, shall be fraudulent and void, unless the employer notifies the Tax Administrator of the proposed sale at least five days prior to the sale and pays all taxes, interest, and penalties due to the Department at that time.

The Director may require that an employer file a bond to secure the payment of contributions, penalties and interest due, or which may become due.

Election of Reimbursement

Nonprofit organizations exempt under Section 501 (c) (3) (a) of the Internal Revenue Code, Indian tribes and governmental organizations, have the option of paying taxes quarterly, or reimbursing the Employment Security Fund for the benefits paid to their former employees. Each of these organizations will receive a ***Notice of Election of Reimbursement (Form TX-68-B)*** at the time of first registering with the Department. They may elect to pay contributions under the experience rating system (**see section on Experience Rating on page 13)**, or they may elect to reimburse the Employment Security Fund each month for the full amount of regular benefits and for a share of the amount of extended benefits paid to their former employees. Governmental organizations, however, must reimburse the Employment Security Fund for the full amount of extended benefits paid to their former employees.

Unless an organization with this option notifies the Tax Administrator within 30 days of becoming subject to the provisions of the Employment Security Act of its decision to reimburse the Fund, the organization will be liable for quarterly contributions. The organization is required to remain in the elected plan for two calendar years. A request to change this plan must be made to the RI Division of Taxation, Employer Tax section, no later than 30 days before the beginning of the calendar year for which the change is to be effective. For information concerning eligibility and time limits call (401) 574-8700.

SUTA Dumping

SUTA (State Unemployment Tax Act) Dumping is a tax evasion scheme involving the manipulation of an employer's Unemployment Insurance (UI) tax rate to achieve a lower rate, and thereby pay less UI taxes. Typically, SUTA Dumping occurs when a business transfers payroll out of an existing company or organization to a new or different organization solely or primarily to reduce UI taxes. Rhode Island has moved aggressively to combat SUTA Dumping. The General Assembly has passed legislation (Public Laws 05-290 and 05-306) that specifically outlaws SUTA Dumping and provides for both criminal and civil penalties for those who participate in

SUTA Dumping activities or advise others to do so. This Department has implemented an automated SUTA Dumping Detection System that will help identify potential SUTA Dumpers and prevent them from evading the payment of their fair share of UI taxes.

"WARN" NOTICES

Businesses employing 100 or more workers are required under the Worker Adjustment and Retraining Notification (WARN) Act to provide in writing a 60 day advance notice of a plant closing or mass layoff. The employer must notify:

1. Each representative of the affected employees, or each employee if they do not have a representative.
2. The chief elected official of the area (City or Town) where the closing or layoff is to take place.
3. The Department of Labor and Training's Workforce Development Administrative Unit:

Manager
Workforce Development Administrative Unit
1511 Pontiac Avenue
Cranston, RI 02920-4407

For more information about specific "WARN" requirements call: (401) 462-8710.

UNEMPLOYMENT INSURANCE (UI) CLAIMS

Filing for UI

If any of your employees become unemployed for any reason, they have the right to file for Unemployment Insurance benefits. Your employees should be instructed to telephone the UI Call Center to process his/ her claim over the phone. If you have any questions regarding your employees' claim you should also contact the UI Call Center.

UI Telephone Numbers

Central Adjudication Unit:	(401) 462-8300
Claims Filing	(401) 243-9100
Information	(401) 243-9100
Overpayment	(401) 462-8010
Workshare	(401) 462-8418

In addition, unemployment claims can be filed securely over the Internet by visiting the UI web site at www.dlt.ri.gov/ui.

Charges to Your Account

You are potentially chargeable for UI benefits paid to an employee who has last separated from you, and who has worked for you in a specific base period of time and earned at least 20 times minimum wage with you in each of at least 4 weeks. Any employer not meeting all of these specifics would not be charged on a given claim. For information on credits and charges to your account, see the section on **Balancing and Employer Accounts on page 12.**

The regular base period is the first four of the last five completed quarters before the claimant files. During this period, the claimant must have certain minimum total wages to be eligible for unemployment benefits. If the claimant does not have sufficient wages during this period we can use an alternate base period, the last four completed quarters.

If the claimant is monetarily eligible, but it is determined by this agency that the claimant left your place of employment under disqualifying reasons, they must work at least eight weeks to overcome such a disqualification and separate from a subsequent employer under nondisqualifying circumstances.

In this situation, if you are a contributory as opposed to a reimbursable account, any charges resulting from subsequent UI payments would be charged to the general balancing account and not to your account directly.

Claimants can collect up to a maximum of 26 times their weekly benefit rate. Their claim is open for a year, provided they have a balance of credits.

The maximum weekly benefit rate is the greater of $566 or 57.5 percent of the average weekly wage of all workers covered by the Rhode Island Employment Security Act and is recalculated each July. Actual weekly amounts and duration are determined by the amount of their base period wages. In addition, claimants can collect a weekly dependents' allowance for up to five dependent children, at the rate of five percent of the benefit rate for each child, with a $15 per child minimum. The total dependents' allowance cannot exceed the greater of $50 or 50% of the benefit rate.

SEPARATION AND WAGE REPORTS

Separation Information

When a claimant files for Unemployment Insurance benefits, a notice of claim filing is sent to the separating employer and other base period employers as needed. ***Notice of Claim Filed (Form DLT-367)*** notifies employers that they may be charged for benefits paid on the claim. Employers are required to return this form only if the reason for separation is other than a layoff, if the claimant is receiving a company pension, or if the claimant is being paid during a temporary company shutdown (e.g., vacation, inventory, etc.).

Employee Separation Report and Notice of Claim Filed (Form DLT-365) and ***Employee Separation Report (Form DLT-366)*** will be sent to base period and nonbase period employers, respectively, when they are the last separating employer. Form DLT-365 indicates the potential for charges to the employer for benefits paid on the claim. These forms **must be** returned to the Department within seven working days.

On these forms the employer is asked to provide the following information:

1) The last date the worker actually performed services.

2) Whether or not the claimant had four weeks of work, preceding the separation, in which the claimant earned at least twenty times the minimum hourly wage each week.*

3) The reason for unemployment.

4) The expected return to work date, if any.

5) Pension information, if the claimant is receiving a company pension or payments under any other type of company retirement plan.

6) Vacation information, if the separation is due to vacation or inventory shutdown.

**Earnings include vacation pay, holiday pay, bonuses and sick leave pay. However, sick leave pay paid under an established plan or system should not be included.*

Wage Information

Normally, the Department will not request wage information when a claim is filed because the information should already be on file. In a case where the wages are not on file and the claimant has credible proof of earnings, the Department will request wage information from an employer. A $25 penalty is automatically assessed if the form is not returned in seven working days. In addition, an employer's right to contest benefit charges may be jeopardized.

Additional Claims (Refiles)

Some claimants who return to work may only work for brief periods. If they have benefit credits remaining, they may refile their claims whenever they become unemployed. Each time a claimant refiles, the separating employer is required to verify the last day worked and the reason for the separation. The form used for this purpose is the ***Employee Separation Report (Form DLT-425).***

Vacation/Inventory Claims

A worker, who is unemployed, or not receiving full pay because a company has closed for vacation or inventory, may file a claim for benefits. For new claims the vacation section of ***Form DLT-365, DLT-366, or DLT-367*** should be filled in as previously indicated in the **Separation Information** part of this section.

When an additional claim is filed, the employer is sent an ***Employee Separation Form (Form DLT-425***). It is important to note that all vacation/inventory report forms must be returned to the Department.

For employers with ten or more employees, on-site and other mass filing procedures are available. This option may eliminate some paperwork and the necessity of individuals having to file claims for themselves. Companies interested in these options should contact the Department well in advance of the shutdown period. For information call (401) 462-8418, or write to:

Mass Filing Unit
RI Department of Labor and Training
P.O. Box 20380
Cranston, RI 02920

Fraud

The Department conducts a vigorous fraud prevention program. As an employer, you can help prevent fraud by reporting to the Department any claimant whom you believe is receiving Unemployment, TDI or Workers' Compensation benefits to which he/she is not entitled. We crossmatch wage information supplied by employers against benefits paid. This crossmatch may result in the Department requesting additional wage information from employers.

It is important that employer reports concerning wages, reasons for separation, dates of employment, etc. It is also crucial that employers be timely and that the forms are accurate and complete. The law provides for severe penalties for an employer who falsely reports or who fails to disclose required information.

If you suspect UI or TDI fraud call (401) 462-8419

If you suspect Workers' Compensation fraud call 462-8100 option 7.

DISQUALIFICATIONS AND APPEALS

Nonmonetary Determination

The Department has developed fact finding questionnaires for claimants and employers to expedite the telephone interview with the Central Adjudication Unit. Questionnaires are broken into several categories based on topic. Your adjudication appointment letter may indicate the circumstances that apply to the issue being addressed.

Please complete and return the questionnaire that best fits your situation. You mail email the questionnaire as an attachment to DLT.CAUinterview@dlt.ri.gov or fax to 401-462-8318 within 48 hours before the date of your telephone interview or as soon as possible. All questionnaires are available at: http://www.dlt.ri.gov/ui/questionnaires.htm.

Regardless of whether or not a questionnaire is completed, an adjudicator from the Central Adjudication Unit (CAU) will telephone both the employer and the claimant to conduct a fact finding interview regarding the circumstances of the issue. The adjudicator will write a statement from the information gathered. If there is a discrepancy, both the employer and the claimant have the right to rebuttal. Based upon the facts as ascertained in the telephone interview, a decision is made by the Department and both parties are notified of that decision in writing.

An appeal by either party may be made within fifteen days of the date of the Notice of Decision (Form DLT 484) sent by the Department. It must be noted that if an employer appeals a decision allowing the claimant benefits, the individual will be paid until a final decision is made in the case.

The address and fax number to file an appeal is:

Central Adjudication Unit
P.O. Box 20067
Cranston , RI 02920-0941
Fax: (401) 462-8318

Appeals

An Appeal by either party may be made to the Board of Review (see Glossary on page 25). The Board will appoint an Appeal Tribunal (Referee) to conduct a hearing on the case and render a decision either to sustain or overrule the decision made by the Department. The employer should be certain to have the persons who have **direct knowledge** of the issue present at the appeal hearing. A Human Resources or Personnel Manager may **not**, in many cases, have first-hand knowledge of the separation issue. An eyewitness to the events leading to separation is the employer's strongest, most credible witness. A person who can testify only as to what he/she was told by someone else is giving "hearsay" testimony. Uncorroborated hearsay carries little or no weight and cannot be used as the basis for a decision.

All statements, papers, affidavits, and any other physical evidence important to the case should be presented at the hearing or faxed to the Board of Review prior to any telephone hearing.

The decision of the Appeal Tribunal may be appealed to the Board of Review within fifteen days of the written Notice of Decision (Form DLT 484). The written notice of appeal should contain the reason for the appeal.

The Board of Review may order a hearing or conduct a review of the record as developed before the Referee. In most cases, the Board reviews the record of the previous hearing and sustains or overrules the decision of the Referee. Therefore, it is most important that the employer representative appear at the initial Referee hearing.

Any appeal from a decision of the Board of Review must be made to the Sixth Division of the District Court within thirty days of the written Notice of Decision from the Board of Review. Further information on the hearing and appeal process can be found on the Board's web site at www.dlt.ri.gov/bor.

Board of Review
Center General Complex
74 West Rd., Hazard Bldg. 1st Floor
Cranston, RI 02920
(401) 462-9400

NOTICE OF BENEFITS PAID TO WORKERS

By law, most unemployment benefits paid to unemployed workers are charged to their former employer(s). In some cases, however, benefits may instead be charged to the Balancing Account. The details on how benefits are charged are presented more fully in the next section of this Handbook.

Each month the Department mails a ***Notice of Benefits Paid (Form DLT-EA-100)*** to all employers whose accounts have been charged with benefits during the preceding month. Employers should carefully review their charge statements for any errors or evidence of improper benefit filing, because benefit charges will impact their tax rates. Notify us immediately of any discrepancies by calling (401) 243-9137 or writing to:

Benefit Charge Unit
P.O. Box 20380
Cranston, RI 02920

BALANCING AND EMPLOYER ACCOUNTS - UNEMPLOYMENT INSURANCE

BALANCING ACCOUNT – CONTRIBUTING EMPLOYERS

We maintain the Balancing Account to charge benefits paid and to credit receipts which the law does not allow us to charge or credit to individual employer accounts.

Credits to the Balancing Account

1. Employer Balancing Account charges, if applicable
2. Interest earned from investment of Employment Security Fund reserves
3. Other funds that cannot be credited to individual employer accounts

Charges to the Balancing Account

1. Benefits paid to workers who left an employer without good cause and who became eligible for Unemployment Insurance a a future date within their benefit year
2. Benefits paid to workers discharged for misconduct who became eligible for Unemployment Insurance at a future date within their benefit year
3. Benefits paid to workers who left their employment for reasons not connected with such employment
4. Benefits paid to workers under the Extended Benefits program which are not otherwise chargeable to an employer
5. Dependents' benefits paid to workers, which are not otherwise chargeable to an employer
6. Benefits chargeable to employers who have gone out of business and any negative balances in these employer accounts
7. Benefits paid to workers unemployed as a result of physical damage to the real property at the employer's place of business caused by severe weather conditions
8. Any other benefits not chargeable to a contributory employer's account

INDIVIDUAL EMPLOYER ACCOUNTS

The Department maintains a separate account for each subject employer. Credits and charges are posted to this account and the balance is used for experience rating purposes.

Additions to each Employer's Account

Each time employers pay their quarterly tax the amount is added to their account.

Subtractions from each Employer's Account

1. **Benefit Payments** - Each time an Unemployment Insurance benefit payment is made to a former worker the amount of the payment is subtracted from the employer's account, or the Balancing Account. Liable employers will also be charged for any dependents' allowances and a share of any extended benefits paid to their former workers.

2. **Balancing Account Charge**, if applicable - The Balancing Account is supported by an offset to each employer's contributions. This is a uniform percentage of the amount each employer pays in Employment Security taxes. It is already included in the overall contribution rate and is not an additional charge.

   NOTE: If the balance in the Balancing Account as of September 30th of any year is greater than or equal to zero, then no balancing charge shall be made against employer accounts for the tax year immediately following.

EXPERIENCE RATING

The system for determining each individual employer's tax rate is known as Experience Rating. It takes into account both the employer's experience with insured unemployment and the size of the employer's taxable payroll.

An employer must have had at least three consecutive experience years to be eligible for experience rating. An experience year is the twelve-month period from October 1 through the following September 30 during which contributions have been credited to the employer's account and benefits have been chargeable to that account.

A series of nine experience rating schedules have been set by law under which employer rates can range from a low of 0.6% in Schedule A to a high of 10.0% in Schedule I. The employer tax rates in these schedules include a 0.21% Job Development Assessment which is credited to the Job Development Fund.

COMPUTATION OF INDIVIDUAL EMPLOYER TAX RATE

At the close of each experience year (September 30th) the ending balance in each employer's account is divided by the employer's average annual taxable payroll over the last three years ending on the preceding June 30. The result, expressed as a percentage, becomes the employer's account reserve percentage. This percentage is used to determine the actual tax rate to be assigned to the employer, in accordance with the Tax Schedule in effect for the following calendar year.

TAX SCHEDULES

Employer's Account Reserve Percentage	**Schedule** A Reserve Ratio of Fund 6.4% or more	**Schedule** B Reserve Ratio of Fund 5.5% but less than 6.4%	**Schedule** C Reserve Ratio of Fund 4.75% but less than 5.5%	**Schedule** D Reserve Ratio of Fund 4.0% but less than 4.75%	**Schedule** E Reserve Ratio of Fund 3.25% but less than 4.0%	**Schedule** F Reserve Ratio of Fund 2.5% but less than 3.25%	**Schedule** G Reserve Ratio of Fund 1.75% but less than 2.5%	**Schedule** H Reserve Ratio of Fund 1.0% but less than 1.75%	**Schedule** I Reserve Ratio of Fund under 1.0%
Positive Percentages									
21.50 and over	0.21	0.4	0.5	0.6	0.7	0.9	1.1	1.2	1.2
20.00 to 21.49	0.4	0.5	0.6	0.7	0.8	1.0	1.2	1.3	1.5
18.50 to 19.99	0.5	0.6	0.7	0.8	0.9	1.1	1.4	1.5	1.8
17.00 to 18.49	0.6	0.7	0.8	0.9	1.0	1.2	1.5	1.7	2.1
15.50 to 16.99	0.8	0.9	1.0	1.1	1.3	1.5	1.8	1.9	2.4
14.00 to 15.49	0.9	1.0	1.2	1.3	1.5	1.7	2.0	2.1	2.7
12.50 to 13.99	1.1	1.2	1.4	1.5	1.7	2.0	2.3	2.4	3.0
11.00 to 12.49	1.3	1.4	1.6	1.7	1.9	2.2	2.5	2.7	3.3
9.50 to 10.99	1.5	1.7	1.8	1.9	2.1	2.4	2.7	2.9	3.5
8.00 to 9.49	1.7	1.9	2.0	2.2	2.4	2.7	2.9	3.1	3.7
6.50 to 7.99	1.9	2.1	2.3	2.5	2.6	2.9	3.1	3.3	3.9
5.00 to 6.49	2.1	2.3	2.5	2.7	2.8	3.1	3.4	3.6	4.1
3.50 to 4.99	2.3	2.5	2.7	2.9	3.1	3.3	3.7	3.9	4.3
2.00 to 3.49	2.6	2.8	3.0	3.2	3.5	3.7	4.0	4.2	4.6
0.00 to 1.99	3.0	3.2	3.4	3.6	3.9	4.2	4.4	4.5	4.9
Negative Percentages									
-0.01 to -1.99	3.3	3.5	3.8	4.2	4.5	4.8	5.0	5.1	5.5
-2.00 to -3.99	3.5	3.8	4.1	4.5	4.8	5.1	5.3	5.4	5.8
-4.00 to -5.99	3.8	4.1	4.4	4.8	5.1	5.4	5.7	5.8	6.1
-6.00 to -7.99	4.1	4.4	4.7	5.1	5.4	5.8	6.1	6.2	6.5
-8.00 to -9.99	4.4	4.7	5.0	5.4	5.8	6.2	6.5	6.6	6.9
-10.00 to -11.99	4.7	5.0	5.4	5.8	6.2	6.6	6.9	7.0	7.3
-12.00 to -13.99	5.0	5.4	5.8	6.2	6.6	7.0	7.3	7.4	7.7
-14.00 to -15.99	5.4	5.8	6.2	6.6	7.0	7.4	7.7	7.8	8.1
-16.00 to -17.99	5.8	6.2	6.6	7.0	7.4	7.8	8.1	8.2	8.5
-18.00 to -19.99	6.2	6.6	7.0	7.4	7.8	8.2	8.5	8.6	8.9
-20.00 to -21.99	6.6	7.0	7.4	7.8	8.2	8.6	8.9	9.0	9.3
-22.00 to -23.99	7.0	7.4	7.8	8.2	8.6	9.0	9.3	9.4	9.7
-24.00 and over	7.4	7.8	8.2	8.6	9.0	9.4	9.7	9.8	10.0

Note: All tax rates include the 0.21% Job Development Assessment.

A new employer (one who has been subject to the provisions of the Employment Security Act for less than three full experience years) will be assigned a rate based on the State's five-year benefit cost rate for employers not eligible for any experience. This new employer rate is computed each year and must be at least 1%, but cannot be more than 4.2%.

Successor Employers

A "successor employer" is any employer who acquires a business, or substantially all assets of a business, which was required to pay Employment Security, Temporary Disability Insurance and Job Development Fund taxes. The successor employer will be assigned the experience rating account of the former owner. For a list of factors that affect all successor employers, please contact the Employer Tax Unit at (401) 574-8700 (option 1).

DETERMINATION OF TAX SCHEDULE

A series of nine Tax Schedules have been set by law, as shown on the following page. The specific Tax Schedule to be in effect for each year is determined by the financial condition of the Employment Security Fund, as measured by the Reserve Ratio of the Fund as of September 30 of the preceding year. This ratio is computed in two ways:

1. As the ratio of the total amount available for benefits in the Employment Security Fund on September 30 to the total payroll for the preceding twelve month period ending June 30, and;

2. As the ratio of the total amount available for benefits in the Employment Security Fund on September 30 to the three year average annual total payroll for the period ending June 30.

These ratios are expressed as percentages and the smaller of the two percentages becomes the Reserve Ratio of the Fund. This ratio is then used to determine the Tax Schedule to be in effect for the following calendar year.

The reserve ratios for the nine Tax Schedules range from a low of 1.0% for Schedule I to a high of 6.4% under Schedule A.

The employer tax rates in these schedules include a 0.21% Job Development Assessment which is credited to the Job Development Fund.

DETERMINATION OF BALANCING RATE PERCENTAGE

The percentage of each employer's taxes to be credited to the Balancing Account is determined by the Tax Schedule in effect, as shown below:
It should be noted that the Balancing Rate is ***a part of, not an addition to***, the overall employer contribution rate.

NOTE: If the balance in the Balancing Account as of September 30th of any year is greater than or equal to zero, no balancing charge shall be made against employer accounts for the immediately following tax year.

BALANCING RATE SCHEDULE

Tax Schedule in Effect	Balancing Rate Percentage
A	4
B	6
C	8
D	10
E	12
F	14
H	18
I	20

TEMPORARY DISABILITY INSURANCE CLAIMS

All workers employed by private employers in RI are covered by Temporary Disability Insurance (TDI).

NOTE: Minors, age 14 and 15, are exempt from TDI coverage and salary deductions associated with TDI. They are subject to Unemployment Insurance, Job Development Fund and Reemployment Fund taxes.

If any of your employees must remain out of work due to a non-work related illness or injury, they should file a claim for TDI benefits, using an ***Application for Benefits (Form TDI-1).***

NOTE: Your employees may complete an on-line application by visiting our website at www.dlt.ri.gov/tdi or by calling (401) 642-8420.

Wage and Employment Reports

When this Department receives a worker's claim for TDI benefits, we must contact the claimant's qualified healthcare providers and employer(s). The qualified healthcare provider is asked to verify the nature and extent of the claimant's illness or injury. As an employer you will be sent a ***Form (TDI-4)***, *Employment Verification Report*, which requests information such as the claimant's last day of work and whether or not the illness or injury is work related. Sometimes we may need to get recent wage information for the claimant by asking you to complete ***Form TDI-4W,*** *Employee Wage and Employment Report.*

NOTE: The Temporary Disability Insurance program is entirely financed by workers' contributions. TDI benefit payments are not charged to employer accounts and have no effect on employer tax rates.

TDI Tax Refund

We ask employers to remind their employees that if they worked for two or more Rhode Island employers during a calendar year and had combined earnings of more than $64,200 (for 2015), they *may* be entitled to a refund of a portion of their TDI contributions. Information regarding a refund may be obtained by calling the Division of Taxation, Employer Tax Section, at (401) 574-8700 or download the form at www.dlt.ri.gov/tdi.

NOTE: Temporary Disability Insurance (TDI) benefits are not subject to Federal or State income taxes; therefore, you will not receive a G-1099 form from TDI.

Partial Benefits

An individual may be eligible for partial Temporary Disability Insurance benefits if his or her healthcare provider determines that the individual is able to return to work for less than his or her usual number of hours worked and you have such work available. The individual must be ill or injured and out of work for at least seven full consecutive days before being eligible for partial benefits. For any week that an individual claims partial TDI benefits, his or her earnings must be less than the individual's weekly benefit rate. The partial benefits legislation (Public Law 05-289) became effective for weeks beginning on or after January 1, 2006.

Monetary Eligibility for Combat Veterans

Legislation (Public Laws 05-288 and 05-309) signed in July 2005 changes the method by which monetary eligibility for TDI benefits are calculated for certain military personnel. A member of the United States military who has served in a United States-declared combat operation and is monetarily ineligible for benefits using the existing "base period" or "alternate base period" calculation method will have his or her claim determined using the first four of the last five completed quarters of earnings immediately preceding the first day the individual was called into active military service. If the individual is monetarily ineligible using these earnings, the claim will be redetermined using the last four completed calendar quarters immediately preceding the first day the individual was called into active military service. The law can be applied retroactively to March 2, 2002.

Claims Management and Education Unit

TDI recently established a new Claims Management Unit to provide educational resources and information to claimants, employers, and qualified healthcare providers on their roles and responsibilities, and the purpose and operation of TDI. Within the Claims Management

Unit registered nurses will review claims that exceed the normal duration for respective injuries and illnesses. TDI uses *The Medical Disability Advisor* (MDA) Guidelines when determining disability durations. Claims that exceed the MDA Guidelines are referred to the Claims Management Unit for additional review and or investigation.

TEMPORARY CAREGIVER INSURANCE CLAIMS

In 2013 the RI General Assembly passed legislation creating a new Temporary Caregiver Insurance (TCI) Program. It was signed into law by Governor Chafee on July 11, 2013. Our Temporary Disability Insurance (TDI) division began administering the new TCI program as of January 5, 2014.

The TCI program provides eligible claimants with up to four weeks of caregiver benefits to care for a seriously ill child, spouse, domestic partner, parent, parent-in-law or grandparent, or to bond with a newborn child, new adopted child or new foster-care child. Bonding claims may be requested during the first 12 months of parenting. Proof of parent-child relationship will be required.

All workers covered by the TDI program are also covered by the new Temporary caregiver Insurance (TCI) program. TCI program benefits are financed by the same employee contributions made for the existing TDI program.
If any of your employees need to file a claim for TCI benefits they should use an Application for Benefits (Form TDI-1). A common application is used for both the TDI program and the TCI program.

NOTE: Your employees may complete an on-line application by visiting our website at www.dlt.ri.gov/tdi or by calling (401) 642-8420.

Applicants are responsible for obtaining the required medical documentation from the care recipient's qualified healthcare provider (QHP). The monetary eligibility requirements are the same for TCI as for TDI.

The law requires that workers give employers thirty days notice in writing of their plans to use TCI unless "unforeseeable circumstances" prevent such notice. The law also requires an employer to offer the employee a comparable position, with the equivalent seniority, status, employment benefits, pay and other terms and conditions including fringe benefits, upon returning from TCI leave. Complaints related to the above issues must be handled by the court system, as the Department of Labor and Training has no legal jurisdiction over these matters.

An informational flyer (www.dlt.ri.gov/tdi/pdf/TCIBrochure.pdf) regarding the new TCI Program contains information on some of the most common question and answers. If you have a specific question, not found on the website, you may email us at TDI@DLT.RI.GOV.

NOTE: Temporary Caregiver Insurance (TCI) benefits are subject to Federal and State income taxes. If a worker receives TCI benefits, they will receive a General Form (G-1099) in January indicating the amount they received in TCI benefits during the past year, which will also be reported to the IRS.

WORKERS' COMPENSATION

Subject Employers

Every person, firm, and private corporation, including any public service corporation, including the State, that employs employees is subject to the Workers' Compensation Act. {Employees do not include any partner, sole proprietor, or any person appointed a corporate officer between January 1, 1999 and December 31, 2001 who was not previously an employee unless that corporate officer has filed a notice pursuant to 28-29-19(b).} A city or town that votes to accept the Workers' Compensation Act will be considered an employer subject to all of the provisions.

EXEMPT EMPLOYERS include those employers who employ persons engaged in domestic service. Certain real estate persons are also exempt. An exempt employer may, however, elect to be subject to the law by filing with the Director of Labor and Training.

Agricultural employers are not subject to the Act unless they employ twenty-five (25) or more farm laborers or agricultural employees for thirteen (13) consecutive weeks. However, if an employer meets these numbers but maintains health and disability insurance for all its employees at premiums which exceed Workers' Compensation insurance they are exempt from the Act.

Any employer engaged in occupations, which the Director has declared hazardous, will be subject to the Act regardless of the number of employees.

ALL EMPLOYERS doing business in Rhode Island must disclose to all prospective employees at the time of application for employment either that the employer is subject to the provisions of the Workers' Compensation Act, or that they are exempt. If an employer is exempt, they must specify the type of exemption. All of this information must be included on the first page of any written employment application. If the employer does not have a written employment application, the information must be given in writing to the applicant.

Employer Note ~ Workers' Compensation insurance may be purchased through any licensed insurance agent, broker, or insurance company offering this type of coverage. The Department of Labor and Training offers a self-insurance program which determines eligibility for a company to insure itself. Also, a business may be able to apply for insurance through an authorized group self-insurance fund with the Department of Business Regulation at (401) 462-9500, fax (401) 462-9532.

LACK OF COVERAGE by any employer required to carry Workers' Compensation insurance subjects that company and its officers to a multitude of penalties, fines, criminal prosecution, and personal liability. Each day of noncompliance is a separate and distinct offense for the calculation of fines. Fines can be imposed of not less than $500 per day and not more than $1,000 per day of noncompliance. The company and its officers will also be responsible for the payment of any work-related claims following all requirements of the Workers' Compensation Act; also, the Director has the right to suspend the operation of a business for lack of coverage.

Information for Workers

When an employer is subject to the Workers' Compensation Act, they are required to display a poster that highlights certain provisions of the Act. This poster must be placed in prominent places where the workers are employed. Refusal to display this poster will subject the employer to prosecution for a misdemeanor and, if convicted, may penalize the employer with a fine for each day of noncompliance.

To obtain copies of the *Workers' Compensation Poster*, call the Education Unit at (401) 462-8100 option #1 or make your request in writing to:

Workers' Compensation Posters
Education Unit
RI Department of Labor and Training
PO Box 8629
Cranston, RI 02920

Reports Required from Employers

EMPLOYER'S FIRST REPORT OF INJURY - Every employer who is subject to the Act has a responsibility to report any injury sustained by an employee which has been described as work-related and which incapacitates the employee from earning full wages for at least three days or requires medical treatment, despite the period of incapacity. This report must be made to the Department of Labor and Training within **ten** days of the employer's first knowledge of the incident or occupational disease. If the injury is fatal the report must be made within 48 hours. (Filing this report is **not** an admission of liability.) A penalty is provided by law for any employer who refuses or neglects to follow the reporting requirements.

Employer Note ~ Be sure to notify your Workers' Compensation Insurer or Adjuster, as well, with a copy of the *Employer's First Report of Injury*. Keep a copy for your files.

WAGE STATEMENT - A wage statement from the employer is required on every claim where the employee has been out more than three consecutive *calendar* days. This wage statement must be sent to the **insurance or adjusting company** (not the Department of Labor and Training) as soon as possible. There are three wage statements to choose from based on certain criteria.

Forms are available through your insurance or adjusting company or from the Department of Labor and Training web site at www.dlt.ri.gov/wc. The Department also offers classes in the completion of forms. To schedule a class, please send your request to:

Forms Training
RI Department of Labor and Training
Division of Workers' Compensation
PO Box 20190
Cranston, RI 02920-0942

Employee Right to Reinstatement

Employers with more than nine employees are subject to the reinstatement provisions in the Workers' Compensation Act. A worker who sustained a compensable injury has the right to return to their former position, even if that position has been filled by a replacement. The employee must be able to perform the duties of the position with reasonable accommodations made by the employer. An employee must claim their right to reinstatement within ten (10) days from the date they are notified by mail that the treating physician has released them for work. If the position is unavailable the employee is entitled to be reinstated to any other vacant and suitable position. The right to reinstatement does not apply to:

- A worker hired on a temporary basis.
- A worker employed in a seasonal occupation.
- A worker who works out of a hiring hall operating pursuant to a collective bargaining agreement.
- A worker whose employer employs nine or fewer workers at the time of the worker's injury.
- A worker who is on a probationary period of less than 91 days.

Other conditions apply to the reinstatement provisions. For further information regarding Right to Reinstatement, please call the Education Unit at (401) 462-8100 option #1.

Workers' Compensation Administrative Fund

Each year insurance companies, self-insured employers, and group self-insureds are assessed an amount of money based on calculations set forth in the Workers' Compensation Act. This account, known as the Workers' Compensation Administrative Fund, finances a variety of operations within the Workers' Compensation system. Most of these operations provide services which are available to employers and employees free of charge.

THE DR. JOHN E. DONLEY REHABILITATION CENTER provides services exclusively for persons injured at work in Rhode Island. Following referral and acceptance into the facility the employee's needs are evaluated and a treatment program is designed. Services include:

- Comprehensive outpatient rehabilitative services; such as, case management, physical therapy; work hardening therapy; aquatic therapy; vocational services, and psychological counseling.
- Certification of rehabilitation providers who develop rehabilitation plans.
- Rehabilitation evaluations—An employer may petition the Workers' Compensation Court for an independent evaluation, to be performed at the Donley Center, of any injured employee's progress toward rehabilitation. After that review the Center will report to the court on the effectiveness of the present rehabilitative program that the employee is undertaking and the injured employee's ability to return to employment.

The Donley Center is located on Blackstone Boulevard in Providence. To receive further information about the Rehabilitation Center services, please call (401) 243-1200 or fax to (401) 222-3887.

THE EDUCATION UNIT is a nonregulatory Unit that does not issue citations or impose penalties. It provides education services to employers and employees throughout the state. Services are free of charge and include:

- Establishing loss prevention programs.
- Designing occupational safety programs.
- Conducting onsite employer and employee training programs and safety walk-throughs.
- Video lending library containing a variety of health and safety issues.
- Seminars and workshops on health and safety.
- Seminars and workshops on Workers' Compensation issues.
- Informational telephone line.

This Unit is ready to work with employers and employees to develop training, seminars, or workshops designed to meet individual needs relating to health, safety, and Workers' Compensation issues. You can contact the Education Unit and the Information Line by calling (401) 462-8100 option #1.

THE WORKERS' COMPENSATION FRAUD AND COMPLIANCE UNIT investigates all participants in the Workers' Compensation system. Investigations in which criminal workers' compensation fraud is determined are prosecuted by the Attorney General's Office. This Unit is available to meet with interested parties to discuss such issues as fraud detection and investigation, fraud prevention, and criminal prosecution of Workers' Compensation fraud. Some examples of conditions that may lead to criminal fraud prosecution include:

- Intentional failure of an employee to report any earnings received while collecting Workers' Compensation
- False statements made to a physician regarding work activities during a claim.
- An employee's endorsement of a Workers' Compensation check, if they are not entitled to receive benefits.
- Misrepresentation by an employer of an employee's rate classification or payroll in order to secure Workers' Compensation insurance at a less than proper rate.

Confidential case referrals can be made by calling the Fraud and Compliance Unit at (401) 462-8100 option #7. Written referrals can be sent to PO Box 20190, Cranston, RI 02920-0942.

The Unit also ensures that employers with one or more employees carry Workers' Compensation insurance. Employers that fail to carry Workers' Compensation insurance will be subject to a fine and/or criminal prosecution.

WORKFORCE DEVELOPMENT SERVICES

netWORKri - Employer Service Unit

For over sixty years the Department has been helping employers throughout the State find qualified workers to fill a wide variety of job openings. Employers can save considerable time and money by taking advantage of the many employment and training-related services the Department offers at no cost. Your tax dollars pay for these services. We encourage you to use them.

Some of the specific needs our staff specialists can help with include:

- Recruiting new workers
- Screening job applicants
- Typing and shorthand proficiency testing
- Helping you meet affirmative action goals
- Providing useful labor market information
- Dealing with major layoffs
- Possible reimbursement for a portion of on-the-job training wages for eligible workers
- Information on tax credits and grants

We urge all employers, especially those just starting out in business, to contact an Employer Service Representative (ESR) at any of the conveniently located offices (see listings on page 29), or call our Employer Service Unit at (401) 462-8724. Whether you are looking for technical, professional, or entry-level production workers, DLT can recruit, screen, and refer qualified applicants to you.

DLT has ten ESRs to service your needs. They coordinate Job Fairs for employers within our netWORKri offices as well as offer private space for employers to do their recruiting. In conjunction with any ad the employer places in the newspaper, DLT will also advertise the job openings throughout our database as well as on the Internet at no charge.

The ESRs also offer referral information to the Governor's Workforce Board of Rhode Island, the Economic Development Corporation, the RI Manufacturing Extension Services, the Small Business Development Corporation, many Community Based Organizations and several other sources.

DLT is a member of ten Chambers of Commerce in RI and our ESRs are active members of those Chambers.

If you are a new business you may also want to contact the Secretary of State's First Stop Business Information Center. As an alternative to visiting a range of federal, state, and local agencies, the First Stop Business Center offers a one-stop resource, giving you the forms you need to file and information on the rules and regulations that apply to your business. The Center publishes a comprehensive guide to starting a business in Rhode Island. It contains basic information such as:

- First steps for getting started
- Breakdown of different taxes and tax credits
- Review of resources and responsibilities
- Resource directory of financial assistance programs, general assistance programs, training resources, and key organizations and agencies

Contact the First Stop Business Information Center directly at (401) 222-2185 for more information.

In addition to services offered through DLT's netWORKri offices, you may wish to have an ESR visit your place of business. Your ESR can assist you with job openings, training programs, applicant screening, or do on-site recruitments. ESR's can quickly put you in touch with any other services offered by DLT, and help with problem solving. For more information, or to arrange a visit, call the Employer Service Unit at (401) 462-8724. If you want to list a job opening call the Employer Service Unit or the netWORKri office nearest you (see listing towards the back of this Handbook).

netWORKri ONE-STOP CAREER CENTERS

The *net*WORKri centers are conveniently located throughout the state, where jobseekers and employers are matched through quality employment programs and services. These One-Stop Career Centers are open Monday through Thursday from 8:00 AM to 4:00 PM and Friday's from 10:00 AM to 4:00 PM. The centers have Job and Career Resource Rooms that give customers access to computers, internet access, telephones, faxes, copy machines and a multitude of various adaptive media resources. They offer Referral and Placement Services, Employer recruitments, Career Counseling, Aptitude and Interest Testing, assistance in seeking work, including Job Search Workshops (which feature instruction on basic computer skills, how to prepare resumes, upgrading interviewing skills and utilizing social media), as well as Occupational Retraining.

In the delivery of employment and training services, netWORKri Career Centers are convenient "full service" Centers with an emphasis on customer satisfaction, choice, and quality of service. The wide array of State and Federal programs that address issues such as job placement and screening, retraining, labor market information and support services for special needs work together in unison providing comprehensive service for employers and job seekers.

Customers and employers can make use of the netWORKri Centers established throughout Rhode Island or they can access services via the Internet at home, at school, or in a public library at www.Employri.org.

There are four netWORKri Centers. They are located in Providence, Wakefield, West Warwick and Woonsocket. The netWORKri web site address is www.networkri.org. Services available to employers include:

- Recruitment assistance and pre-screening of qualified applicants
- Easy access to post job listings in Employri.org
- Job and industry growth trends and forecasts
- Wage data and other valuable labor market information
- Compliance information such as child labor laws, Americans with Disabilities Act, etc.
- Information on tax credits, incumbent worker training, etc.
- Job and Career Resource Rooms: Computers with software applications and Internet access, telephones, faxes, copy machines and a multitude of various resources.

Job Listings

DLT maintains statewide, computerized, job listings containing detailed descriptions of all employer job openings which our customers and staff can access in each netWORKri office. Listings and referrals are updated daily and furnish you with an immediate statewide market for employment candidates. You describe the skills, experience, education level required for the job and a brief outline of the position's responsibilities. We will screen and refer qualified applicants based on your specifications and instructions. Your listings will appear until the jobs are filled or until you cancel them, and **there is no charge for this service.**

For information, or to place a job order, call the Jobs Network at 1-888-616-JOBS, or fax your order directly to the Jobs Network at (401) 462-8722.

DLT on the Internet:

DLT's Home Page on the Internet provides updated links to employment and training resources around the world, including access to our state and national job listings. Our web address is **www.dlt.ri.gov**.

If you wish to post a job opening online, visit our web site at the above address. Through "America's Job Bank" (AJB) information is provided on how to register with the AJB and post your job openings. Your listings will appear on both the Rhode Island DLT Job Bank and nationally on America's Job Bank.

Self-Referral Program

You may also choose the "Self-Referral" option. **Job listings from employers who request the Self-Referral program are made available to the public on a special computer screen which includes your company's name, address, and other contact information which you provide.** If you choose this method, job applicants can arrange an interview directly with you, the employer. This increases the speed of response and the number of applicants available for your selection.

THE GOVERNOR'S WORKFORCE BOARD - RI

The Governor's Workforce Board – RI (GWB-RI) was established by Executive Order 05-18 in 2005 to institute statewide policies, goals and guidelines for the coordination of all employment and training programs, employment-associated educational programs and related services, throughout the state.

The Board's mission is to develop, implement and support strategies that increase and improve the skill base of the workforce to meet the current and future demands of Rhode Island's businesses. In addition, the Board convenes and builds consensus among public and private stakeholders on devising policies that increase economic development opportunities within the state. In addition, the Board serves as the primary advisory body to the Governor regarding Rhode Island's federal and state workforce development programs and related system issues. The Executive Order also included the establishment of an Interagency Workforce Development Council, aka "Workforce Cabinet" of department directors to work in concert with the Board on policy and, ultimately, implementation of the strategies.

In the Board's oversight role, it is responsible for all state and local workforce and education programs including those under the Workforce Investment Act of 1998, the Wagner-Peyser Act, the Family Support Act, and the Carl D. Perkins Vocational and all other employment and training-related programs presently existing or established in the future. The Board consists of 17 members, 13 of which comprise the Human Resource Investment Council (HRIC).

The Human Resource Investment Council

Title 42, Chapter 102 of the Rhode Island General Laws, as amended, restructured the Human Resource Investment Council and incorporated its role into the larger GWB-RI. RIGL 28-42-84 established the special (0.02%) funding for support of UI and ES core operations. The HRIC manages and provides oversight of the Job Development Fund. The monies in the Job Development Fund, a .21 percent assessment of employers' payroll tax, may be used to strategically invest in employment, training, education and economic development initiatives that promote and support the mission of the Board and Council.

Task Teams of the full Board convened to discuss strategic investments in employment, training, education and economic development initiatives to promote and support the mission of the Board and strengthen the workforce development system. The following priority areas have been identified for the investment of resources by the Board:

- **WORKFORCE IMPROVEMENT**
  Funds will provide opportunities for companies or consortia of companies to provide and co-fund training that increases employees' productivity and skill levels, thus benefiting and improving the company's systemic and/or operational capacities.

§ **WORKFORCE EXPANSION**
Funds will provide opportunities to co-fund the training of new/additional employees for both new and existing RI companies.

§ **PARTNERSHIP BUILDING**
Literacy Initiatives: Funds are allocated to support various literacy and workplace-based education services.
Other Initiatives: Funds will provide opportunities for the Board to partner with groups or agencies on initiatives and projects that benefit an industry or population segment (e.g., Industry Partnerships).

§ **YOUTH STRATEGIES**
Funding will be used to develop model programs or supplement the funding of existing programs as identified by the Youth Development Committee that supports the work and education readiness of the state's next generation workforce.

§ **STRATEGIC INITIATIVES**
Funds will be used to develop new initiatives or support strategic functions as determined by the Board.

Tax Credits

The GWB-RI / HRIC also oversees the administration of valuable tax credits that promote training and advancement for Rhode Island's workforce. Listings and further information about employment and training tax credit programs may be obtained by calling the GWB-RI Office at 462-8860.

WORKSHARING

The Department started the Worksharing Program in October 1991 as an alternative for Rhode Island employers who are considering layoffs. This voluntary program allows an employer to reduce payroll costs and avoid layoffs by having all the workers in a division or unit work fewer hours. Eligible workers can collect a pro-rated portion of Unemployment Insurance benefits to help compensate them for their reduced wages.

Goals

Worksharing is an innovative program that works. It can help you, the employer, to:

- Preserve your trained workforce
- Strengthen your business by minimizing your losses
- Recover quickly as business improves

Advantages

Worksharing offers several distinct advantages to both employers and employees:

- Employers keep skilled and trained workers on the job and do not lose them to the competition.
- Workers keep jobs and maintain economic security.
- Employers can respond to new orders and recover quickly as business improves.
- Workers experience fewer financial and emotional hardships than with total unemployment, looking for a new job, etc.
- Employers avoid the time and expense of finding and training new employees.
- Workers maintain employment skills and remain available for advancement opportunities.
- Employers maintain employee morale in a win-win situation.

How It Works

Example: If conditions require a company to cut production by 20%, under Worksharing, all workers' hours may be reduced by 20% instead of laying off 20% of the work force. Eligible employees would then receive 20% of their regular Unemployment Insurance benefits to offset a portion of their lost earnings each week during the time that the reduced hours are in effect.

If you are faced with the prospect of potential layoffs, contact the Department's Worksharing Unit (401) 462-8418 as soon as possible concerning the options you have.

Eligibility

Any employer with two or more employees may participate. Any employee who would be eligible to receive regular Unemployment Insurance benefits if laid off would be eligible to participate in the Worksharing program.

Program Highlights

The following are some of the general Worksharing rules:

1. Weekly hours of work for employees involved in the Program must be reduced by at least 10% but not more than 50%.

2. The percentage reduction of hours in your plan must remain in effect for 30 days before a modification may be submitted for approval.

3. If applicable, the Program must be approved in writing by the collective bargaining agent representing affected employees in the work unit.

4. All Worksharing Plans must be approved by the Director.

5. Both private and governmental employers are eligible to participate in the Worksharing Program.

6. The Worksharing Program does not cover seasonal layoffs.

7. Worksharing claims may be filed at your place of business.

NOTE: If you are interested in learning more about Worksharing, call the Worksharing Unit at (401) 462-8418.

LABOR MARKET INFORMATION

The Department's Labor Market Information (LMI) Unit is Rhode Island's central resource for a wide variety of data relating to Rhode Island's economy. Employers, job seekers, students and the general public can benefit from the information that LMI produces.

The LMI Unit collects, analyzes, publishes and disseminates basic employment and unemployment data together with employment projections by industry and occupation, industry staffing patterns, wage rates, job benefits, job vacancies, supply and demand of workers, affirmative action data and much more. LMI, in cooperation with the Bureau of Labor Statistics, operates six Federal/state programs. Most of the information LMI gathers comes directly from Rhode Island's employers who graciously respond to a variety of surveys. Without the employer community's response to these surveys, many of the products listed on this page would not be possible.

Some of LMI's monthly, quarterly, and annual publications are listed below. They are available, free of charge, in hard copy, or for download from the LMI web site, to interested employers and individuals.

Affirmative Action Data for Rhode Island
Employee Benefits Report
Employment Bulletin
Employment in Rhode Island: Annual Review
Expanding & Declining Industries
Industry Cluster profiles

Labor Supply & Demand
Jobs by Education & Training Requirements
Occupational Wage Report
Occupations In… (Industry specific brochures)
Rhode Island Commuting Patterns
Rhode Island Employment & Wage Analysis by County
Rhode Island Employment Trends and Workforce Issues
Rhode Island's Occupational Outlook for 2020
State of the State: Profiles of Rhode Island Cities & Towns
Statistical and Fiscal Digest
Unemployment Rates by City & Town
Workforce Investment Area (WIA) Labor Statistics
(for Providence/Cranston and Greater RI)

For a complete list of LMI publications and pamphlets, go to www.dlt.ri.gov/lmi/publications.htm.

LMI maintains two extensive websites; the first site, located at www.dlt.ri.gov/lmi, provides users access to all LMI products and information. It is easy to navigate and features a section specifically for employers, ***LMI for Business***. Here, employers can find the Consumer Price Index, information on tax credits and grants, mandatory posters for the workplace, minimum wage data, RI Employers by Size Class, New Hire reporting, and more.

The second site, **EmployRI**, is an interactive web site for Individuals, Employers, Analysts, and anyone looking for information on Rhode Island's economy. Employers can benefit by visiting this site and linking to a variety of services available to them from DLT and other state agencies, including the Employer Service Unit, Unemployment Insurance Tax Division, Workshare and more. In addition, the site features skills matching by occupation, education and training availability and extensive occupational profiles. EmployRI is a free web service found on the Internet at www.employri.org.

Stat-Track is LMI's electronic mail service to notify users of new LMI data and products. Email notifications are sent to subscribers as new statistics/publications are released. This is a free service from LMI. Anyone interested in receiving Stat-Track can sign up on-line at www.dlt.ri.gov/lmi/news/stattrack.htm or by emailing lmi@dlt.ri.gov. This is a secure service; LMI will NOT share your e-mail address with other companies or agencies.

For more information, or to be put on the mailing list for any of the above publications, call (401) 462-8740, e-mail lmi@dlt.ri.gov, or write to:

Labor Market Information
RI Department of Labor and Training
1511 Pontiac Avenue -Bldg. 73-2
Cranston, RI 02920-4407

MARKETING/COMMUNICATIONS

The Marketing/Communications (Mar/Comm) section functions much like a small advertising agency offering public relations, photography and graphic design to DLT and other state agencies as needed. Mar/Comm is responsible for keeping the general public informed about DLT initiatives, grant opportunities, services, and success stories through press releases, public service announcements and newspaper advertisements. If you have a success story which has resulted from working with our department, let us know so we can publish it.

Mar/Comm designs and edits the Department's Annual Report. If you would like a copy of the Department of Labor and Training Annual Report please call (401) 462-8810.

GLOSSARY

Account Number
A ten-digit registration number assigned to each employer who is subject to the Employment Security and Temporary Disability Insurance Acts.

Alternate Base Period
New claims for Temporary Disability or Unemployment Insurance for employees whose base period earnings do not meet the minimum requirements will have their TDI or UI claims automatically recomputed using an Alternate Base Period. This new period consists of the last four completed calendar quarters before the starting date of the claim.

Base Period
The first four of the last five completed calendar quarters immediately preceding the effective date of a new claim for TDI or UI benefits.

Base Period Employer
A subject employer for whom the claimant for TDI or UI has worked during the first four of the last five completed calendar quarters. Non-base period employers are those subject employers for whom the claimant worked after the base period.

Benefit Credits
The total amount payable to a claimant **as benefits** in a benefit year. This figure does not include dependency allowances.

Benefit Rate - Temporary Disability Insurance
4.62% of the wages paid to the claimant in that calendar quarter of the base period in which the individual's wages were the highest. The maximum weekly benefit rate for TDI is equal to 85% of the average weekly wage paid to all workers covered by the Employment Security Act in the preceding calendar year. The maximum rate is computed by May 31 of each year for **new benefit years** beginning on or after the following July 1.

Benefit Rate - Unemployment Insurance
3.85% of the average wages paid to the claimant in the two calendar quarters of the base period in which the claimant's wages were the highest. The maximum weekly benefit rate for Unemployment Insurance is equal to the higher of $566 or 57.5% of the average weekly wage paid to all workers covered by the Employment Security Act in the preceding calendar year. The maximum rate is computed by May 31 of each year for **new benefit years** beginning on or after the following July 1.

Benefit Year
The 52 consecutive calendar weeks starting with the effective date of the claim during which the claimant may collect benefits. Under certain conditions, the benefit year may be extended to 53 weeks.

Board of Review
An autonomous body, created by law, whose purpose is to hear appeals of workers and employers **from decisions** of the Department. The Board, which is appointed by the Governor, consists of three members representing the public, labor, and industry.

The Board of Review structure provides for two levels of appeals. At the first, or lower level, an appeal is heard by an impartial referee appointed by the Board. Any decision rendered at this level may be appealed to the higher level comprised of the three appointed board members. The full Board of Review can handle the appeal by Hearings or by Review. Decisions of the three-member Board may be appealed to the Sixth Division of the Rhode Island District Court.

Calendar Quarter
The period of three consecutive calendar months ending March 31, June 30, September 30, or December 31.

Calendar Week
From Sunday through the following Saturday.

Computation Date
September 30 of each year. The date in which the balances in employer accounts are determined for the purpose of tax rate computation.

Contribution
Taxes payable to the Employment Security Fund and the Rhode Island Temporary Disability Insurance Reserve Fund.

Dependents' Allowance – Temporary Disability Insurance / Temporary Caregiver Insurance
A weekly payment of $10 or 7% of the individual's benefit rate, whichever is greater, for each dependent child under 18 years of age, up to a maximum of five dependents. This allowance may also be paid for dependent children who are older than 18 years of age but are incapable of earning any wages because of a mental or physical handicap. In addition, this allowance is also payable to a legal guardian for children under 18 years of age for an individual's court appointed ward(s).

Dependents' Allowance - Unemployment Insurance
A weekly payment of $15 or 5% of the individual's benefit rate, whichever is greater, for each dependent child under 18 years of age, up to a maximum of five dependents. The total dependents' allowance cannot exceed the greater of $50 or 50% of the individual's benefit rate. This allowance may also be paid for dependent children who are older than 18 years of age but who are incapable of earning any wages because of a mental or physical handicap. In addition, this allowance is also payable to a legal guardian for children under 18 years of age for an individual's court appointed ward(s).

Determination
A decision or ruling of the Department.

Disqualification
The denial of benefits to a claimant who does not meet eligibility requirements.

Duration of Benefits - Temporary Disability Insurance
The number of weeks for which benefits are paid or are payable for total unemployment due to a non-work related illness or injury in a benefit year. The duration is equal to 36% of the claimant's total base period wages divided by the claimant's weekly benefit rate (excluding any dependency allowance). The maximum duration is 30 weeks at the full benefit rate.

Duration of Benefits – Unemployment Insurance / Temporary Caregiver Insurance
The number of weeks for which benefits are paid or are payable for total unemployment in a benefit year. The duration is equal to 33% of the claimant's total base period wages divided by the claimant's weekly benefit rate (excluding any dependency allowance). The maximum duration is 26 weeks at the full benefit rate.

Eligibility Requirements – Temporary Disability Insurance

1. Must be unemployed because of a non-work related illness or injury, certified by a competent medical authority;

2. Worked in base period for an employer subject to RI Temporary Disability Insurance Act;

3. (a) Must have earned at least $1,920 in one of the base period quarters, and

   (b) Must have earned total base period wages of at least one and one-half times the highest quarter earnings with a minimum of $3,840 total base period earnings.
   or, as an alternative

   (c) Must have earned total base period wages of $11,520.

NOTE: The above qualifying amounts are based on the current Rhode Island minimum hourly wage of $9.60 (As of January 1, 2016). Any changes in the Rhode Island minimum hourly wage will result in different qualifying amounts.

Eligibility Requirements - Unemployment Insurance

1. Must be unemployed for lack of work or otherwise unemployed through no fault of the claimant;
2. Physically able to work and available for work, and making an active, independent search for work;
3. (a) Must have earned at least $1,920 in one of the base period quarters, and
   (b) Must have earned total base period wages of at least one and one-half times the highest quarter earnings with a minimum of $3,840.

   or, as an alternative

   (c) Must have earned total base period wages of $11,520

NOTE: The above qualifying amounts are based on the current Rhode Island minimum hourly wage of $9.60 (as of January 1, 2016). Any changes in the Rhode Island minimum hourly wage will result in different qualifying amounts.

4. Also, if the claimant had a previous claim the claimant must have worked and earned 80 times the minimum hourly wage in covered employment since the effective date of that previous claim.
5. Must serve a one-week waiting period per benefit year.

Employer Account
The experience record of an individual employer in which entries of contributions (taxes) and benefit payments are recorded.

Employer Account Reserve Percentage
The percentage obtained by dividing the balance in an individual employer's account as of September 30 by the employer's average annual taxable payroll over the last three years ending on the preceding June 30.

Employment Security Act
The Rhode Island Unemployment Insurance Law.

Employment Security Fund
Trust fund containing the total amount of money available for Unemployment Insurance benefits.

Experience Rate
The tax rate assigned to an individual employer account under the applicable Tax Schedule in the Employment Security Act, (**see section on Experience Rating**), based on the employer's experience with Unemployment Insurance paid to former workers.

Extended Benefits
Benefits payable whenever the average insured unemployment rate in Rhode Island or the nation rises to specific levels over a consecutive 13 week period. Benefits are also payable whenever the state's average total unemployment rate (seasonally adjusted) for the most recent 3 months exceeds specific levels.

Claimant Eligibility for Extended Benefits

1. Unemployed because of lack of work, or otherwise unemployed through no fault of the claimant;
2. Physically able to work, available for work, making a systematic and sustained effort to obtain work, and provides tangible evidence of this work search weekly;
3. Expected to accept any offer of suitable work listed with the Department, or offered in writing;
4. Has a benefit year in effect and has received all regular benefits to which entitled or whose benefit year expires within an extended benefits payment period and who is unable to establish a new benefit year because of insufficient employment or benefit credit.

The Director is required to give written notice of the minimum suitable work and work search requirements that an individual must satisfy to qualify for Extended Benefits prior to the individual's exhaustion of regular benefits.

Federal Unemployment Tax
A 6.0% tax on payrolls of employers on earnings of each worker up to $7,000 per year. Employers who pay Rhode Island Employment Security taxes may have their federal tax offset up to a maximum of 90% of the first 6% of the Federal tax (5.4%). Questions concerning the Federal Unemployment Tax should be directed to the Internal Revenue Service.

Job Development Fund
Monies to be used to finance the Governor's Workforce Board - RI, which provides various job training, counseling and assessment services to develop Rhode Island's work force to meet the future needs of employers. It consists of funds collected through the 0.21% Job Development Assessment (0.19% is used for HRIC administration and programs while 0.02% is used to support the administration of the Department of Labor and Training's Unemployment Insurance and Employment Service programs).

Monetary Determination
A determination as to whether a person meets the qualifying wage requirements necessary for the receipt of benefits, and the computation of his/her weekly benefit rate and total amount of benefits.

netWORKri One-Stop Career Centers
These Centers offer comprehensive employment and training services and programs from a variety of State and local agencies. The netWORKri One-Stop Career Centers are set up as single points of contact for information on the many services available to assist employers and job seekers.

New Claim
The first claim in a benefit year filed by a claimant for either Unemployment Insurance or Temporary Disability Insurance benefits.

Nonmonetary Determination
A determination as to whether a claimant is entitled to benefits or waiting period credits for reasons other than qualifying wage requirements.

Partial Temporary Disability Insurance Benefits
An individual may be eligible for partial Temporary Disability Insurance benefits if his or her healthcare provider determines that the individual is able to return to work for less than his or her usual number of hours worked and you have such work available. The individual must be ill or injured and out of work for at least seven full consecutive days before being eligible for partial benefits. For any week that an individual claims partial TDI benefits, his or her earnings must be less than the individual's weekly benefit rate. The partial benefits legislation became effective for weeks beginning on or after January 1, 2006.

Partial Unemployment Benefits
An Unemployment Insurance claimant will be eligible for partial unemployment benefits for any week in which he/she has less than full-time work and whose wages for that week are less than his/her total weekly benefit rate.

Rhode Island Temporary Disability Insurance Reserve Fund
Pooled fund of worker contributions from which Temporary Disability Insurance benefits and Temporary Caregiver Insurance benefits are paid.

Taxable Wage Base - Temporary Disability Insurance (TDI)
The amount of wages earned by an employee from which contributions are withheld by the employer to finance the TDI program. The TDI Taxable Wage Base is $66,300 for calendar year 2016. This base is recomputed each year and is equal to the annual earnings needed by an individual to qualify for the maximum weekly benefit amount and the maximum duration. Employers are notified of any changes in the base amount prior to the start of each year.

Taxable Wage Base - Unemployment Insurance (UI)
The amount of wages paid to an individual employee for which an employer is liable for Rhode Island Unemployment Insurance, and Job Development Fund taxes. The wage base is equal to 46.5% of the average annual wage in covered employment in the second prior year. For calendar year 2016 the taxable wage base is $22,000. The wage base for employers at the highest tax rate (9.79%) will be $1,500 higher than that for all other employers - $23,500 for 2015.

Wages
All remuneration paid within the Base Period dates including vacation pay, holiday pay, bonuses, other paid leave, and remuneration other than cash such as: meals, room, and board, etc.
Exception: Do not include sick leave pay when paid under an established plan or system.

Waiting Period - Unemployment Insurance
A week of unemployment for which a claimant does not receive compensation but must meet the same eligibility requirements that are necessary to qualify for receipt of compensation for subsequent weeks of unemployment during the benefit year.

DLT ONE-STOP CAREER CENTER LOCATIONS

ADDRESS	PHONE (Area code 401)	FAX (Area code 401)	TTY (Area code 401)
Providence netWORKri Career Center One Reservoir Ave. Providence, RI 02907	462-8900	462-8965	711
Wakefield netWORKri Career Center 4808 Tower Hill Rd. Wakefield, RI 02879	782-4362	782-4351	711
West Warwick netWORKri Career Center 1330 Main Street West Warwick, RI 02893	828-8382	826-8991	711
Woonsocket netWORKri Career Center 219 Pond Street Woonsocket, RI 02895	235-1201	235-1227	711

Rhode Island
Digest of Labor Laws
Section II

The RI Department of Labor and Training's "Digest of Labor Laws" includes brief descriptions of the various divisions of the department, duties under the law, and legal citations. The citations are generally found at the end of the section that they cover and are set off by parentheses.

PLEASE NOTE: THE CONTENTS OF THIS DIGEST ARE SUBJECT TO CHANGE WITH THE ENACTMENT OF LEGISLATION. Updates will be posted on-line at www.dlt.ri.gov/lmi/publications/handbook.htm

Rhode Island Department of Labor and Training

RHODE ISLAND DIGEST OF LABOR LAWS

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DIRECTOR'S OFFICE

Advisory Service

An important duty and objective of the Office of the Director is fostering good relations between management and workers. The staff is prepared to answer questions pertaining to labor laws and will be pleased to discuss and explain policies which have proven most effective in improving worker morale and in eliminating management/labor friction.

Mediation and Conciliation

Mediation and Conciliation are voluntary. State legislative provisions require the Director of Labor and Training to do everything in his/her power to promote voluntary mediation and conciliation of labor controversies.
(General Law 28-10-1)

If the bargaining agent for school teachers and the school committee of any city or town are unable to reach an agreement on a contract within ten (10) days of the scheduled close of school in June of the last year of the contract in effect, then any and all unresolved issues shall be submitted to the Director of Labor and Training for compulsory mediation. (General Law 28-9.3)

Advertising for Employees During Strikes, Lockouts, or Other Labor Disputes

Employers shall state in such advertisement or oral or written solicitation that a strike, lockout, or other labor dispute exists and that the employment offered is to replace employees involved in the strike or lockout.

Notice of the existence of a labor dispute shall be of equal prominence with any other matter in said advertisement. Penalty for violation—a fine of not more than five hundred dollars ($500) for each person recruited, supplied, procured, referred, or employed, or imprisonment for not more than one (1) year, or both. (General Law 28-10-13)

Use of Strikebreakers is Illegal

It is unlawful for any person, partnership, agency, firm or corporation, or for its officers or agents, to knowingly recruit, procure, supply or refer any person who customarily and repeatedly offers himself for employment in the place of an employee involved in a strike or lockout (commonly known as a strikebreaker) to replace the employee who is involved in the strike or lockout where such person, partnership, or other entity is not directly interested in the strike or lockout. (General Law 28-10-11)

Jury Duty

If an employee is called to serve on jury duty, his/her employer, in the absence of a contract or collective bargaining agreement to the contrary, is not obligated under Rhode Island law to pay any wages during the time spent on jury duty. However, the employee shall not suffer the loss of said employee's position, wage increases, promotions, longevity benefit or any other emolument due to the employer-employee relationship because said employee has been called to serve jury duty. (General Law 9-9-28)

Preventing People from Working

Use of force, violence, threats, or intimidation to prevent persons from taking and pursuing employment is subject to penalty. (General Law 28-7-13)

Veterans' Reemployment Rights

Veterans returning to jobs they held before entering the service have reemployment rights, which are protected by law. These rights could be summarized as guaranteeing the veteran the same status he/she would have enjoyed had he/she remained on the job.

Within 40 days after honorable discharge (Federal Law allows 90 days) a veteran shall be entitled to reinstatement to his/her former employment, or a position of like seniority, status, and pay if the employee is still qualified to perform the duties of such a position. Veterans' reemployment rights also include step increases, salary increases, and pension rights which he/she would have received had he/she not gone into the service. (General Law 30-21-1)

Under Rhode Island law, you may not discriminate against a Reservist or member of the National Guard. (General Law 30-11)

LABOR RELATIONS BOARD

Rights of Municipal Employees

General Law 28-9.4 gives municipal employees the right to organize and bargain collectively, but denies them the right to strike.

Rights of Police Officers and Firefighters

General Law 28-9.1 gives full-time police officers from the rank of patrolman up to and including the rank of chief, including policewomen, all the rights of labor, other than the right to strike or engage in any work stoppage or slowdown.

General Law 28-9.2 gives permanent uniformed members, rescue service personnel, emergency medical services personnel, fire dispatchers, and all employees with the exception of fire chiefs of any paid fire department all the rights of labor, other than the right to strike or engage in any work stoppage or slowdown.

Rights of School Teachers

General Law 28-9.3 gives certified teaching personnel, certified support personnel, physical therapists/occupational therapists the right to bargain collectively with local school authorities, but does not accord them the right to strike.

Rights of State Employees

General Law 36-11-2 gives state employees, except for casual or seasonal employees, the right to organize and bargain collectively, but denies them the right to strike.

Conciliation, fact finding and binding arbitration of unresolved contractual impasses is provided for state employees by General Law 36-11-8. The Labor Relations Board has the duty to assign a conciliator who shall make written findings of fact and recommendations. If said recommendations are not accepted by both parties, then either party may request arbitration. The decision of the arbitrator shall be binding on all issues except wages.

General Law 36-11-2 requires employees not joining the union to pay to the exclusive employee organization a service charge as a contribution toward the negotiation and administration of any collective bargaining agreement in an amount equal to the regular biweekly membership dues of the organization.

Rights of State Police

General Law 28-9.5 gives full-time state police from the rank of trooper up to and including the rank of sergeant the right to organize and bargain collectively, but denies them the right to strike.

Rights of 911 Employees

General Law 28-9.6 gives 911 employees the right to organize and bargain collectively, but denies them the right to strike.

LABOR STANDARDS UNIT

Minimum Wage

The minimum wage for all workers 16 years of age and older:

1/1/15	1/1/16
$9.00 per hour	$9.60 per hour

Exceptions

1.) Full-time students under 19 years of age working in nonprofit religious, educational, librarial, or community service organizations:

1/1/15	1/1/16
$8.10 per hour (90% of applicable minimum)	$8.64 per hour

2.) 14 and 15 year olds who do not work more than 24 hours in a week. (For any week in which a 14 or 15 year old works more than 24 hours the higher applicable minimum rate must be paid for all hours worked in that week.)

1/1/15	1/1/16
$6.75 per hour (75% of applicable minimum)	$7.20 per hour

3.) Workers employed in: domestic service in or about a private home, Federal service, voluntary service in educational, charitable, religious or nonprofit organizations where employer/employee relationships do not exist, newspaper carriers on home delivery, shoe shine persons, caddies on golf courses, ushers in theaters, traveling or outside sales occupations.

Also: Service performed by an individual employed by son or daughter, or minor child employed by parent. Occupations in resort establishments serving meals to the general public that are not open more than six (6) months during the year-between May 1 and October 1 only - and any individual employed by an organized camp having a structured program including but not limited to recreation, education and religion, or any combination thereof. Such an individual must not be employed by the organization on an annual full-time basis and such a camp must not operate for more than seven (7) months in any calendar year. This exemption does not apply to employees of trailer camps. (G.L.28-12)

Overtime

All employees must be paid time and one-half the worker's regular rate for all hours in excess of forty (40) in one week. Workers paid bi-weekly must be compensated at time and one-half the employee's regular rate for all hours worked beyond forty (40) in any one workweek.

Provided, however, in any workweek in which an employee of a retail business is employed on a Sunday and/or holiday at a rate of one and one-half (1 1/2) times the regular rate at which he or she is employed as provided in Section 5-23-2 the hours worked on such Sunday and/or holiday shall be excluded from the calculation of overtime pay as required by this section.

Exceptions of Overtime

28-12-4.3. Exemptions - (a) The provisions of section 28-12-4.1 and 28-12-4.2 above shall not apply to the following employees:

1) Any employee of a summer camp when it is open no more than six (6) months of the year.

2) Police Officers, Firefighters, and Rescue Service Personnel employed by the cities and towns.

3) Employees of the state or political subdivisions of the state may elect through a collective bargaining agreement, memorandum of understanding or any other agreement between the employer and representatives of the employees, or if the employees are not represented by an exclusive bargaining agent, through an agreement or understanding arrived at between the employer and the employee prior to the performance of work, to receive compensatory time off for hours worked in excess of forty (40) in a week, provided that the compensatory hours shall at least equal one and one-half (1 1/2) times the hours worked over forty (40) in a week. If compensation is paid to an employee for accrued compensatory time, such compensation shall be paid at the regular rate earned by the employee at the time of payment. At time of termination unused accrued compensatory time shall be paid at a rate not less than:

   A) the average regular rate received by the employee during the last three (3) years of the employee's employment, or

   B) the final regular rate received by such employee, whichever is higher.

4) Any employee employed in a bona fide executive, administrative, or professional capacity, as defined by the Fair Labor Standards Act of 1938, as now or hereafter amended, compensated for services on a salary basis of not less than two hundred dollars ($200) per week.

5) Any employee, as defined in subsection (4) above unless the wages of said employee, if computed on an hourly basis, would violate the applicable minimum wage law.

6) Any salaried employee of a nonprofit national voluntary health agency who may elect to receive compensatory time off for hours worked in excess of forty (40) hours per week.

7) Any employee, including drivers, driver's helpers, mechanics, and loaders of any motor carrier, including private carriers, with respect to whom the U.S. Secretary of Transportation has power to establish qualifications and maximum hours of service pursuant to the provisions of 49 U.S.C. Section 3102.

8) Any employee who is a salesperson, partsperson, or mechanic primarily engaged in the sale and/or servicing automobiles, trucks or farm implements, and is employed by a non-manufacturing employer primarily engaged in the business of selling such vehicles or farm implements to ultimate purchasers, to the extent that said employers are exempt under the Federal Wage-Hour and Equal Pay Act, Title 29, U.S.C. section 201 et seq. and Title 29 U.S.C. section 213 (b) (10); provided that the employee's weekly, bi-weekly or monthly actual earnings exceed an amount equal to the employee's basic contractual hourly rate of pay times the number of hours actually worked plus the employee's basic contractual hourly rate of pay times one-half the number of hours actually worked in excess of forty (40) hours per week.

9) Any employee employed in agriculture, however, the exemption shall apply to all agricultural enterprises which produce greenhouse crops, fruit and vegetable crops, herbaceous crops, sod crops, viticulture, viniculture, floriculture, feed for livestock, furbearing animals, poultry and eggs, bees and honey and mushrooms.

10) Any employee of an air carrier subject to the provisions of title 45 USC section 181 et seq., of the Railway Labor Act when the hours worked by such employee in excess of forty (40) in a work week are not required by the air carrier, but are arranged through a voluntary agreement among employees to trade scheduled work hours.

(b) Provided, nothing herein shall exempt any employee who under applicable federal law is entitled to overtime pay or benefits related thereto.

Wages for Failure to Furnish Shift Work

An employer in any industry who requests or permits any employee to report for duty at the beginning of a work shift and three (3) hours work are not furnished on that shift, the employer must pay the employee for three (3) hours work at the employee's regular rate of pay. In the event that an employee reports for work at the beginning of a work shift and the employer offers no work to perform the employer must still pay the employee for three (3) hours at the employee's regular rate of pay.

An employer must schedule at least three (3) hours of work; however, if an employee voluntarily reports late or voluntarily leaves before completing three (3) hours of work, the employer may pay the employee for actual hours of work, provided time records indicate the reason for not working a minimum of three (3) hours. (General Law 28-12-3.2)

Work on Sundays and Holidays

Work performed on Sundays and holidays must be paid at the rate of time and one-half unless qualified as an exception under General Law 25-3. Employees cannot be discharged or penalized for refusing to work on any Sunday or holiday, unless they are employed by a manufacturer which operates for seven (7) continuous days per week.

Legal Holidays

"Holidays" shall mean Sunday; New Year's Day, January 1; Memorial Day, last Monday in May; Independence Day, July 4; Victory Day, second Monday in August; Labor Day, first Monday in September; Columbus Day, second Monday in October; Veterans Day, November 11; Thanksgiving Day (by proclamation of the Governor), fourth Thursday in November; and Christmas Day, December 25. Whenever a holiday falls on a Sunday, the day following is the celebrated holiday.

Retail Selling

The town council of any town shall grant licenses for the sale by retail establishments at any place in that town or city designated in those licenses on holidays enumerated in section 5-23-1. However, no license shall be issued on December 25 of any year or on that holiday known as Thanksgiving day, except to: a) pharmacies licensed under chapter 19 of title 5 with a licensed pharmacist who is employed by

the pharmacy and available on the premises to provide pharmaceutical services during all hours of the pharmacy's operation on said days; (b) retail establishments which principally sell food products as defined in section 44-18-30(J) and which employ fewer than six (6) employees per shift at any one location; (c) retail establishments principally engaged in the sale of cut flowers, floral products, plants, shrubs, trees, fertilizers, seeds, bulbs and garden accessories; (d) retail establishments principally engaged in the sale and/or rental of video cassette tapes; and (e) retail establishments principally engaged in the preparation and/or sale of bakery products.

Retail establishments may be open on any day of the year except as specifically prohibited in General Law 5-23-2. A retail establishment shall not be open on a holiday unless licensed by the appropriate town council pursuant to this section. Licenses are not granted for Sundays, however, these businesses must check with the city/town in the event the city/town may have a provision as to Sunday hours.

Retail establishments licensed pursuant to this section shall be exempt from the provisions of Chapter 1 of Title 25, entitled "Holidays and Days of Special Observance," and those establishments may sell any and all items sold in the ordinary course of business.

All employees engaged in work during Sundays or holidays pursuant to the provisions of this section shall receive from their employer no less than time and one-half for the work so performed and shall be guaranteed at least a minimum of four (4) hours employment; except those employees referred to in section 28-12-4.3(a)(4), provided that the work so performed by the employee shall be strictly voluntary and refusal to work for any retail establishment on a Sunday or holiday shall not be a ground for discrimination, dismissal or discharge or any other penalty upon the employee. The town council may fix and cause to be paid into the town treasury for each license issued pursuant to this section a fee not to exceed the sum of one hundred dollars ($100) and may fix the time or times when the license granted shall terminate; provided however, that the town council shall not charge a licensing fee to any charitable, benevolent, educational, philanthropic, humane, patriotic, social service, civic, fraternal, police, fire, labor or religious organization which is not operated for profit.

Retail establishments engaged principally in the preparation and/or sale of bakery products and pharmacies shall be licensed prior to the sale thereof in accordance with this section, provided however, that the time and one-half and voluntary work provisions shall not apply.

Inspection of Records

Examiners of the Division of Labor Standards are authorized to investigate and ascertain the wages of persons employed in any occupation in this state; to enter and inspect the place of business or employment of employer in the state for the purpose of examining and inspecting any and all books, registers, payrolls, and other records of such employer that in any way relate to or have a bearing on the question of wages, hours, and other conditions of employment of any employees, and may question such employees for the purpose of ascertaining whether the provisions of the Minimum Wage Law and the orders and regulations issued thereunder have been and are being complied with.

Gratuities (Tips) and Gratuity Allowance

Gratuities shall mean voluntary monetary compensation received by the employee for services rendered.

An employee working in an occupation where it is customary to receive gratuities must be paid the stated minimum rates. However, in any week when the wages for such an employee are computed the employer may credit tips so received as part of the wages under the following conditions:

The amount of gratuities credited may not exceed 50% of the applicable minimum wage. From time to time the mandated employer's minimum contribution toward service employee's wages may exceed the amount required by the provisions of the Fair Labor Standards Act. Where there is coverage under both state and federal law the higher or more restrictive standard takes precedence.

	Minimum Wage	Minimum Share	Maximum Tip Credit
1/1/2004	$6.75	$2.89	$3.86
3/1/2006	$7.10	$2.89	$4.21
1/1/2007	$7.40	$2.89	$4.51
1/1/2013	$7.75	$2.89	$4.86
1/1/2014	$8.00	$2.89	$5.11
1/1/2015	$9.00	$2.89	$6.11
1/1/2016	$9.60	$3.39	$6.21
1/1/2017	$9.60	$3.89	$5.71

The employer must have received and kept as part of permanent payroll records for that week a statement signed by the employee certifying the amount of gratuities, as credited, has been received.

Effective 7/1/99, gratuity allowance may be taken for buspersons in the same manner as waitstaff. The Director of Labor and Training will accept the following statement, when filled out and signed by the worker, as substantial evidence that the amount of gratuities claimed by the employer as part of the minimum wage was received by the employee. N.B.: The worker must fill in the amount of tips and sign. (File with payroll records)

The week of _____ _____ _____, I received $ _____ in gratuities (tips)
Month *Day* *Year* *Amount*

for _____ hours worked as an employee of _____
Total Hours *Employer's Name*

_____
Employee's Signature

Workers signing for gratuities to be deducted from the minimum wage are entitled to a hearing in the Division of Labor Standards, if they so desire. (G.L.28-12-5)

Handicapped Workers

The Director of Labor and Training may issue a special license for the employment of a handicapped worker at wages lower than the minimum rate, based on the degree of the handicap to be determined by investigation in individual cases.

Application for such special license must be made by the employer in writing to the Assistant Administrator of Labor Standards. No worker whose earning capacity has been impaired may be paid less than the minimum wage until a handicapped worker's special license has been issued to the employer by the Director of Labor and Training. (General Law 28-12-9)

Wage and Hour Records

Every employer shall keep complete and accurate records for all employees as follows: Names, addresses, and ages of all workers, occupations, wage rates, hours worked each day and each week, wages paid each pay period. Such records must be kept on file for at least three (3) years after the entry of the record and must be open to inspection by the Department of Labor and Training at any reasonable time. Firms covered by the provisions of the Federal Fair Labor Standards Act are required to keep records on file for three (3) years from the date of entry. (General Law 28-14-12)

Wage Payment and Collection

All employers, including the state and its political subdivisions, shall establish a regular payday within nine (9) days from the end of the payroll period on which all wages shall be paid in full in cash or in checks on banks convertible into cash on demand at full face value.

Frequency of payment. [Effective January 1, 2014.]. –every employee other than employees of the state and its political subdivisions and of religious, literary, or charitable corporations shall be paid weekly all due wages from his or her employer, except those employees whose compensation is fixed at a biweekly, semi-monthly, monthly, or yearly rate. The director may, upon written petition showing good and sufficient reason, permit employers in the state of Rhode Island to pay less frequently than weekly if they follow the procedure as outlined in RIGL 28-14-2.2.

Notice of any changes in a scheduled payday shall be given employees at least three (3) paydays in advance of the change.

On payday each employer shall furnish to each employee a pay envelope or other statement showing gross wages, net wages paid, hours worked, legal deductions made, an explanation of the basis or reason for such deduction, and, for employers engaged only in

the commercial construction industry, a record of the employee's hourly regular rate of pay. As used in this subsection, the term commercial construction industry will include a business which engages in the doing of work or the furnishing of materials, or both, in the building, erection, alteration or preparation of an improvement on commercial real property.

The net wages of any employee may, with the consent of both the employee and the employer, be deposited directly into the employee's checking, savings or share account in a financial organization selected by the employee.

Rhode Island law protects workers against nonpayment of wages and provides penalties for violations. The Director of Labor and Training is empowered to collect wages if claims are filed within three (3) years of the date earned. (General Law 28-14-20)

Deductions

Except for federal taxes, state taxes and social security charges, deductions from wages are not permitted, however, any employer granting his employee a loan or advance against future earnings or wages may deduct the same as a setoff or counterclaim only if evidenced by a statement in writing signed by said employee.

Deductions for alleged damage to employer's property or for rent due employer are specifically prohibited. Also barred are deductions connected with past or present indebtedness.

Deductions from an employee's wages for pension, welfare, vacation, health plan and annuity of life coverage are allowed without the employee's written permission, provided a collective bargaining agreement is in force.

Deductions for union dues, health care coverage, United Way, payroll savings, stock purchase, pension plan, or insurance are permitted with the written authorization of the employee. Deductions of premium for prepaid legal services are permitted with the written authorization of the employee. (General Law 28-14)

Whenever an employer shall provide for a payroll deduction for any purpose, the employer shall transfer those funds deducted to the appropriate person, agency, partnership or corporation entitled to the monies deducted, within twenty-one (21) days following the last day of the month in which the deduction is made, except, when the person, agency, partnership or corporation entitled to monies deducted permits otherwise in writing. (General Law 28-14-3.1)

Wages upon Separation

Whenever an employee is separated from the payroll, the unpaid wages or compensation of such employee shall become due on the next regular payday and payable at the usual place of payment.

Wages upon Separation as Vacation Pay

Whenever an employee is separated from the payroll of an employer, after completing at least one (1) year of service, any vacation pay accrued by collective bargaining, company policy or other agreement between employer and employee shall become wages and payable in full or on a prorated basis with all other due wages on the next regular payday for the employee.

Benefits as Wages

Whenever an employer separates an employee from the payroll as a result of said employer liquidating the business, merging the business, disposing the business or removing the business out of state, all wages become immediately due and payable within twenty-four (24) hours of the time of separation at the usual place of payment, additionally, if said employee has completed at least one (1) year of service with said employer, holiday pay, vacation pay in full or on a prorated basis and insurance benefits due such employee under a collective bargaining agreement, company policy or other agreement between said employer and employee shall be considered as unpaid wages due and payable within twenty-four (24) hours of the time of separation at the usual place of payment.

Attachments or Garnishments

Federal law defines wages that may be attached as disposable earnings, or those earnings left after payment of legal deductions for federal and state taxes. Only (a) 25% of disposable earnings or (b) the amount by which the disposable earnings exceed thirty (30) times the Federal minimum hourly wage may be garnished.

Employees who have been on relief are exempt from attachment for one (1) year after the debtor ceases receiving relief. An employee may not be discharged for more than one garnishment if made for the same debt. Wage garnishment exemption does not apply to court orders regarding alimony or child support. (General Law 9-26-4)

CHILD LABOR - Employment of Minors

Under 14: No child under 14 years of age may be employed at any time in any capacity except in a private home or on a farm. (General Law 28-3)
Minors 14 and 15 years of age: Part-time and vacation employment in business and mercantile establishments is allowed only by permit from the local school department for minors 14 and 15 years of age. Such employment shall not take place during the hours when school is in session and shall not exceed eight (8) hours in any one day or forty (40) hours in any one week, and shall not take place before 6 A.M. nor after 7 P.M. (9 P.M. during school vacation). Federal law prohibits employment in excess of three (3) hours per day-on school days, or in excess of eighteen (18) hours per week-when school is in session. This more stringent standard must be adhered to whenever the establishment is covered by the provisions of the Fair Labor Standards Act. Minors under 16 are not permitted to work in factories, manufacturing, mechanical or processing establishments in any capacity at any time. (General Law 28-3-1, 28-3-11)

Any minor between the ages of 16 and 18 may be employed during school vacations without limitations as to the total hours to be worked in a given week or calendar day, provided the provisions of all other applicable federal and state laws and regulations are complied with.

Minors 16 and 17 years of age: Under a 1980 amendment 16 and 17 year old workers who have left school are no longer restricted by a curfew. However 16 and 17 year old students are not permitted to work between the hours of 11:30 P.M. and 6:00 A.M. the following day if that day is a school day. When no classes are scheduled, the curfew is extended to 1:30 A.M.

No minor, 16 or 17 years of age, shall work more than 48 hours in any one week, nor more than nine (9) hours in any one day, unless the 48 hours are worked in five (5) days. In which case the minor may work 9 3/5 hours per day.

There shall be an interval (or period of cessation of work) of not less than eight (8) hours between the ending of the period of work on one calendar day and the beginning of a period of work on the subsequent day. (General Law 28-3-11)

In addition to the state regulations for minors 16 and 17 years of age, Federal Wage and Hour Laws prohibit minors under 18 years of age from working in any hazardous occupations. Further information on Federal regulations is available from the U.S. Department of Labor, Employment Standards Administration, 380 Westminster Mall, Providence, R.I. 02903. (Telephone: (401) 528-4431)

Lunch Period

All employees are entitled to a twenty (20) minute mealtime within a six (6) hour work shift, and a thirty (30) minute mealtime with an eight (8) hour work shift. An employer shall not be required to compensate an employee for this mealtime. The provisions of this section shall not apply to: (a) an employer of health care facilities licensed in accordance with chapter 23-17 of the general laws; or (b) an employer who employs less than three (3) people on any shift at the worksite. (General Law 28-3-14)

Industrial Homework

Rhode Island law provides for the strict control and gradual elimination of industrial homework. The Director of Labor and Training may issue licenses to employers in certain industries to distribute work or processing by homeworkers certified by the department. No homework licenses may be issued to industries which have not been susceptible to effective regulation.

Contract Shops

Contract shops servicing the jewelry industry may operate only under an annual permit issued through the Division of Labor Standards. The permit fee is one hundred twenty dollars ($120) per year, renewable October 1, each year. No jewelry contract work may be processed except in a shop and location approved and registered with the division. No jewelry work may be processed in any home or part thereof. (General Law 28-18)

Parental and Family Medical Leave

The Rhode Island law is a parental and family leave statute that applies to all employers that employ fifty (50) or more employees. It states that every employee who has worked for his/her employer for at least twelve (12) months must be given up to thirteen (13)

consecutive weeks of parental or family leave in any two (2) calendar years. The statute requires employees to give advance notice of up to thirty (30) days of the intended starting and ending dates, unless prevented from doing so by a medical emergency.

Under this law, an employee may take parental or family leave for one of three reasons: The birth of the employee's child; the adoption of a child 16 years of age or less by the employee; or serious illness of a family member or the employee him or herself. Upon expiration of the leave, the employee must either be restored to the position he or she previously held when the leave commenced, or to a position with like seniority, status, benefits, pay and other terms and conditions of employment; including fringe benefits and service credits that the employee had been entitled to at the commencement of the leave. The health insurance provisions in the law provide that an employer is obligated to continue the employee's health insurance benefits, but that the employee can be required to pay the premiums prior to his/her departure. If the employee returns, the employer is obligated to return the amounts paid within ten (10) days after the employee's return to employment.

An employee who has been employed by the same employer for twelve (12) consecutive months shall be entitled to a total of ten (10) hours of leave during any twelve (12) month period to attend school conferences or other school-related activities for a child of whom the employee is the parent, foster parent or guardian. The employee must provide a twenty-four (24) hour prior notice of the leave and make a reasonable effort to schedule the leave so as to not unduly disrupt the operation of the employer.

Relief of Injured and Deceased Firefighters and Police Officers

There exists in the RI Department of Labor and Training, a relief fund for dependents of firefighters and police officers who die of a job-related injury or illness. Widow/Widowers, as well as their children under 18 years of age and permanently disabled dependent children, are eligible to request an annuity, paid monthly, from this program.

Totally and permanently disabled police officers, firefighters and dependent children of deceased or totally and permanently disabled firefighters and police officers between 16 and 21 are eligible to apply, **each semester**, to the respective board for **tuition payment** if they plan on attending any Rhode Island state college, university, or community college.

Injured call and volunteer firefighters are eligible to apply for limited relief payments if they are injured in the line of duty. For further information on any of these programs, please contact the Department of Labor and Training at (401) 462-8855 or a member of the Board of Firemen's Relief or the Board of Policemen's Relief. (General Law 45-19-10)

Mandatory Nurse Overtime

Pursuant to R.I.G.L. §23-17.20-1 et. seq., a hospital may not require certain nurses and certified nurse assistants to work overtime except in an unforeseeable emergent circumstance.

Lie Detector Tests Prohibited

No employer or agent of any employer shall require or subject any employee to any lie detector tests as a condition of employment or continued employment. (General Law 28-6.1-1)

Physical Examinations

Whenever any employer shall require a physical examination prior to employment, the cost of such examination shall be paid by the employer whether or not the prospective employee is hired. (General Law 28-6.2-1)

Genetic Testing

No employer, employment agency or licensing agency shall request, require or administer a genetic test to any person as a condition of employment, or affect the terms, conditions or privileges of employment or licensure or terminate the employment or licensure of any person who obtains a genetic test. No person may sell to or interpret for an employer, employment agency, or licensing agency a genetic test of a current or prospective employee or licensee. (General Law 28-6.7-1)

Employer Transportation Service Charge

No employer or agent of a temporary placement staffing agency shall require its employee to provide transportation to other employees as a condition of employment, charge an employee for transport services provided to that employee, or charge or collect fees from its employees for transportation services provided by other employees, the employer, or by a subcontracted transportation

company. Any employer as defined, may purchase public transportation bus passes and deduct not more than fifty percent (50%) of the actual cost of the bus pass from an employee's total daily wages, provided, however, that the employee participation in an employer public transportation bus pass program shall be strictly voluntary and shall require the express written authorization of the employee, in the employee's primary language. Any employer may offer transportation services to an employee and charge a fee, payable to the employer only, for such services provided the amount charged is not more than the actual cost to transport such employee and the amount does not exceed three dollars ($3.00) per day. Employee participation in an employer transportation program shall be strictly voluntary and shall require the express written authorization of the employee, in the employee's primary language (General Law 28-6.11)

DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

Safety Compliance Unit

The Division of Occupational Safety (Safety Compliance Unit) is charged with the responsibility of enforcing safety standards in the public sector. The public sector is defined as Municipalities, Cities and Towns, as well as State Agencies in the political subdivisions of the State.

Employer responsibilities—*Each employer shall furnish to each of his/her employees employment and a place of employment which are free from recognized safety and health hazards that are causing or are likely to cause death or serious physical harm to his/her employees.*

To ensure safety, this unit conducts annual inspections of all facilities in the Public Sector, and also conducts reinspection of said facilities to ensure compliance. Special emphasis on the training and education of good work habits for all public employees is essential. The unit sees to it that the employer acquires, maintains and requires use of safety equipment, personal protective equipment, and devices necessary to protect employees. Also that he/she keeps adequate records of all occupational injuries and illnesses for proper evaluation and necessary action in accordance with the advice of the Director of Labor and Training and the Director of Health. Also that he/she submits an annual report to the Director of Labor and Training with respect to such occupational accidents and illnesses. It is also the responsibility of the employer to establish and maintain an effective and comprehensive occupational safety and health program.

If, upon inspection of any facility, the unit believes that violations exist, a compliance order is issued to the employer. Each compliance order describes the nature of the violation and contains a reference to the provision of the law, code, rule, regulation or order alleged to have been violated. In addition, the compliance order fixes reasonable time for the abatement of violations. Penalties for non-compliance are as prescribed by law. All fatalities and accidents in the public sector are a priority for investigation when received in this office. (General Law 28-20-8;10)

Standards in School Buildings

In conjunction with the State Building Codes Standards Committee, the State Fire Marshal, and the State Health Department, the Department of Labor and Training makes inspections of all school buildings on an annual basis to determine whether private and public nursery, elementary, and secondary school buildings conform to the appropriate state laws and regulations and must certify to the superintendent of said schools that the schools do comply with these laws and regulations before schools may open each year. (General Law 16-21-3)

Code Commission for Occupational Safety and Health

There is within the RI Department of Labor and Training, a Code Commission for Occupational Safety and Health consisting of five members. Two represent industry, two represent labor, and one serves as chairperson of the Commission, representing the public.

This Commission has the power to make, amend, and repeal codes for the prevention of injuries or occupational diseases in every employment or place of employment.

The Code Commission has adopted the Occupational Safety and Health Standards Part 1904.1 through 1904.9 and 1904.14, Part 910 and Part 1926, Chapter XVII of Title 29 of the Occupational Safety and Health Act of 1970.

Copies may be obtained from the U.S. Dept. of Labor, Occupational Safety and Health Administration, 380 Westminster Mall, Providence, RI 02903. (Telephone (401) 528-4669) Questions on the standards relating to the public sector only, should be addressed to the Rhode Island Department of Labor and Training, Division of Occupational Safety, 1511 Pontiac Avenue, Cranston, RI 02920. (Telephone (401) 462-8570)

The Director of Labor and Training or the Administrator of the Division of Occupational Safety may grant requests for variations from the standard if the safety of the employee is not jeopardized. (General Law 28-20-22)

Occupational Safety and Health Review Board

The Occupational Safety & Health Review Board is composed of seven (7) members appointed by the Governor: One (1) occupational safety representative; one (1) elevator representative; one (1) mechanical representative; one (1) electrical representative; one (1) operating engineer representative; one (1) occupational health representative; and one (1) public representative. The Review Board shall conduct hearings pursuant to Chapter 35 of Title 42 in all cases involving contests of the decisions of the Director.

Hazardous Substances, Right-to-Know

All employees have a right to know about the hazardous substances to which they may be exposed to in the workplace. An employer who has any of the designated substances must make a list of these substances available to any employee who may be exposed to them.

The employer must also revise and update said list annually. In addition, the employer must obtain and make available to his/her employees Safety Data Sheets (SDS) on each substance, train his/her employees annually on the proper use of said substances, and label, tag or mark all containers of toxic or hazardous substances with the identity of the designated substance and hazard warnings.

In July 2013 The General Assembly voted to no longer asses a fee for Right-to-Know registration.

Community Right-to-Know

Any resident of the state shall have the right to make a reasonable request for a company's hazardous substance list from the RI Department of Labor and Training. The Department may impose a fee on the resident for each employer request; not to exceed ten dollars ($10) per request plus photocopying cost of the list.

Superfund Amendments and Reauthorization Act (SARA) Title III

Under the Superfund Amendments and Reauthorization Act (SARA) of 1986, Title III provides for Emergency Planning and Community Right-to-Know. All businesses having hazardous substances in excess of quantities established under Federal EPA guidelines must submit lists of these substances or SDS sheets to the State Emergency Response Commission, c/o the Rhode Island Department of Labor and Training, the local Emergency Planning Committee, and local Fire District. The businesses must submit a chemical inventory form containing and estimate of the maximum amount of the hazardous substances present, estimate of the average daily amount present, and the location of the hazardous substance at the facility. Inventory forms must be submitted to all three agencies annually along with lists of any new substance added to the facility inventory. Any inquiries can be addressed to the Division of Occupational Safety, 1511 Pontiac Avenue, Cranston, RI 02920.

Inspections

Inspectors from the Division of Occupational Safety shall have the right of access at all reasonable times to conduct inspections and investigations as mandated by law. (General Law 28-20-12)

Boilers/Fees

Duly Authorized Inspectors shall inspect all boiler and pressure vessels within the state, except such as specifically exempted under Section 28-25-18.

No boiler or pressure vessel shall erected within the state unless it shall be constructed and equipped with safety, devices in compliance with the standard and rules set forth in the American Society Mechanical Engineers (ASME) Boiler and Pressure Vessel

Code; and any person erecting or installing any boiler or pressure vessel shall forthwith notify the Division, and said Administrator shall determine in such boiler complies with the requirement of the Chapter. Upon being so satisfied, the Administrator, upon payment of fee, will issue a certificate. Any person erecting or installing a new or second-hand boiler or pressure vessel shall first make application for a permit to install at an established fee. Upon determining that such boiler or pressure complies with the requirement of this chapter, the Administrator shall, upon payment of the required fee, furnish to the owner of such boiler or pressure vessel, a certificate.

Boiler Inspection Fee Schedule

State Inspection of High Pressure Boiler	$96.00 annually
Insurance Inspection of High Pressure Boiler	$60.00 annually
State Inspection of Low Pressure Boiler	$60.00 biennially
Insurance Inspection of Low Pressure Boiler	$60.00 biennially
State Inspection of Unfired Pressure Vessels	$45.00 triennially
Insurance Inspection of Unfired Pressure Vessels	$45.00 triennially
Boiler Installation Permit for Low Pressure	$120.00
Boiler Installation Permit for High Pressure	$300.00

It shall be mandatory that the organization performing the repair/alteration notify the Division of Occupational Safety (Boiler Unit) or an Authorized Inspector before initiating any alteration welded repair to any boiler or pressure vessel within the state. Upon completion of the alteration or welded repair, a properly executed alteration or welded from as outlined in the National Board Inspection Code (NBIC) shall be filed with the Division.

Elevators/Fees

Inspections of all elevators, dumbwaiters, escalators and other devices subject to the provisions of Chapter 23-33 of the General Laws of Rhode Island are made annually only by certified QEI-1 State Inspectors and authorized inspectors.

No elevator, dumbwaiter, escalator or other device subject to the provisions of Chapter 23-33 shall be erected within this state unless it shall be constructed and equipped as required by the ASME A17.1 SAFETY CODE FOR ELEVATORS AND ESCALATORS, the State Elevator Safety Code, the State Building Code, the State Fire Code or ASME B20.1 SAFETY STANDARD FOR CONVEYORS AND RELATED EQUIPMENT. No person shall erect, construct or install any such device without first submitting plans and specifications for approval by the Chief Elevator Inspector. Upon being satisfied that the installation plans comply with all code requirements and payment of the required fee, a permit to install will be issued prior to any work being initiated. All new construction, installation and maintenance, repair modernizations and service on existing equipment shall be performed only by licensed personnel employed by licensed companies.

Elevator Inspection Fee Schedule

Inspection of elevator (any type)	$120.00
Inspection of escalator	$120.00
Inspection of dumbwaiter	$72.00
Inspection of wheelchair lift (any type)	$72.00
Inspection of reciprocating conveyor	$72.00
Reinspections (elevators and escalators)	$90.00
Reinspections (all other type of units)	$54.00
Delinquent payment charge	$24.00
Duplicate certificate charge	$12.00
Authorized inspectors exam and annual renewal	$60.00
Company license and annual renewal*	$240.00
Apprentices/helper license (Less than 3 years in trade)	$30.00
Mechanic/Installer license and annual renewal	$78.00
Mechanics Examination	$60.00
All new installations/modernizations	1% of Contract

*City, town and state buildings are exempt from payment. Religious or charitable societies are exempt from payment when proof of exemption is made to this office.

No existing elevator, escalator or other device subject to the provisions of Rhode Island General Law 23-33 shall be modernized unless the said device is made to fully comply with the same requirements as a new installation.

The safety devices on all cable suspended elevators and on all escalators shall be tested by an authorized service company annually. Once every five (5) years the safety devices on cable suspended elevators shall be tested with full capacity and overspeed governors shall be recalibrated in the presence of an inspector. Upon approval of these inspections and tests, a Certificate of Operation is issued and the unit may be legally operated.

All elevator incidents which result in personal injury or equipment damage must be reported to the Division of Occupational Safety, Elevator Unit, within 24 hours, with the exception of a fatality, which must be reported immediately. Investigations are conducted of all accidents to determine cause and institute corrective action if necessary.

MERCANTILE DIVISION

Coal and Coke

A license is required by the Rhode Island Department of Labor and Training, Mercantile Division, for wholesale or retail sale of coal or coke in a quantity of over one thousand pounds (1,000 lbs.). Licenses expire each year on November 30.

One main office and yard office license is $48.00 annually; additional branch office licenses are $24.00 annually. Inspectors regularly check for short-weight or unsatisfactory delivery. (General Law 5-4-1)

Scales

All scales used in commercial transactions shall meet the requirements of the National Institute of Standards and Technology Handbook 44. Said scales shall be tested for compliance by a Certified Sealer of Weights and Measures before a scale can be placed into service. Owners of large capacity scales must have a Certified Sealer present when a service company is performing a calibration test if the owner requires an approval seal for the scale. Scales must be duly tried and sealed once every six (6) months. **Sale of products from a scale which is not sealed is a violation of law.**

A device equipped with a primary indicating element and used in retail trade, except a prepackaging, check-weighing, or prescription scale, shall be so positioned that its indications may be accurately read and the weighing or measuring operation may be observed from some reasonable "customer" position. The permissible distance between the equipment and a reasonable customer position shall be determined in each case upon the basis of the individual circumstances, particularly the size and character of the indicating element. Weight indication shall be shown on the customer's side of the computing scales when these are used for direct sales to retail customers.

Gasoline Measuring Devices

Gasoline measuring devices must meet the requirements of the National Institute of Standards and Technology Handbook 44 and be approved by a Certified Sealer of Weights and Measures before said devices can be placed into service. Devices must be tried and sealed as prescribed by law. **Sale of gasoline from a device which is not sealed is a violation of law.**

Precious Metals Sales

Companies involved in the buying or selling of precious metals, at retail, shall first be licensed by the Treasurer's Office and shall be required to have their scales sealed annually by the Certified Sealer of Weights and Measures of the Town/City where their business is located. An applicable fee shall be charged.

State Sealer

Duties - The Director of Labor and Training, as Sealer of Weights, Measures and Balances, shall have the custody and control of the standards received from the United States, and shall oversee the duties performed by the Town and City Sealers of Weights and Measures.

Said Sealers shall receive annual training and their equipment shall be tested and sealed at a recognized Metrology Laboratory.

The Director may test any weights, measures, instruments, or mechanical devices of any kind used in standardizing the production of any manufactured article or at the request of any law enforcement agency. (General Law 47-1-2)

Test Tank Trucks and Rack Meters

Every tank truck owner is required by law to have the compartments of his/her truck calibrated once every three (3) years and the meters thereon tested at least once a year by the Director of Labor and Training. The fee for testing compartments is 1.8 cents per gallon. Testing and sealing of vehicle truck meters is $9.60; $18.00 for testing and sealing of top loading rack meters; and $24.00 for testing and sealing of bottom loading rack meters. Said testing shall be done on an annual basis as mandated by law. (General Law 47-15-7)

Truth in Packaging

Any commodity when sold, offered or exposed for sale in containers must have the net weight, volume or count plainly marked in contrasting color on the main or principle label, as well as the name of the packer and trademark. This legislative Act also controls slack filled and deceptively shaped packages. (General Law 47-15-7)

Petroleum Dealers License

Any company involved in the delivery of #2 fuel oil shall be licensed by the Mercantile Division; said fee for license is one hundred and twenty dollars ($120), to be renewed annually. (General Law 47-8-8)

DIVISION OF PROFESSIONAL REGULATION

The Division of Professional Regulation shall examine and license all applicants for licenses with the Board of Electricians, Board of Telecommunications Systems Contractors, Technicians, and Installers, Board of Hoisting Engineers, Board of Plumbers and the Mechanical Board. The boards shall act in an advisory capacity to the division.

Board of Examiners, Electricians

No person, firm or corporation shall enter into, engage in, solicit, advertise, bid for, or work as an electrical contractor, electrical journeyperson or apprentice without a license issued by the Division of Professional Regulation in the RI Department of Labor and Training.

Electrical licenses are also required for Electrical Oilburner Contractors and Journeypersons, Fire Alarm Contractors and Journeypersons and Electric Sign Contractors and Journeypersons.

CLASSIFICATION	CERTIFICATE	TEST FEE	LICENSE FEE	RENEWAL FEE
Master Electrician	A	$75	$120	$120
Electrical Corporation (Class A license required)	AC	NO TEST	$100	$100
Journeyperson Electrician	B	$75	$36	$36
Limited Electrician/Manufacturers (B license required)	C	NO TEST	$120	$120
Limited Electrician/Non-Manufacturers (B license required)	D	NO TEST	$120	$120
Master Oil Burner Electrician	E	$75	$120	$120
Oil Burner Corporation (Class E license required)	EC	NO TEST	$100	$100
Journeyperson Oil Burner Electrician	F	$75	$36	$36
Master Alarm Electrician	AF (FIRE)	$75	$120	$120
Fire Alarm Corporation (Class AF required)	AFC	NO TEST	$100	$100
Journeyperson Alarm Electrician	BF (FIRE)	$75	$36	$36
Electric Sign Contractor	SCF	$75	$120	$120
Electric Sign Installer	CF	$75	$36	$36
Electric Sign Corporation (Class SCF required)	--	NO TEST	$100	$100
Apprentice	--	NO TEST	$20	$20
Limited Maintenance Journeyperson	M	$75	$36	$36

An indentured apprentice employed by a Licensed Electrical Contractor, working with and under the direct personal supervision of a Licensed Journeyperson Electrician must register with the division annually. An apprentice, working with and under the direct personal supervision of a Licensed Oilburner Journeyperson, a Licensed Fire Alarm Installer, or a Licensed Electric Sign Installer must register with the division annually.

The licenses issued are valid for one year. They are subject to renewal on the licensee's birthday.
Persons or firms subject to exemption are listed in the Act. Penalties are provided for violations of regulations. Rules and regulations are promulgated by the division. Examinations are given by the division with the assistance of the Board of Examiners of Electricians. Certificates may not be assigned or transferred but, after a hearing, may be suspended or revoked. (General Law 5-6-2)

On and after January 1, 1997, no electrical contractor (Class "A") or electrical journeyperson (Class "B") license shall be renewed unless the licensee has successfully completed at least fifteen (15) clock hours of continuing electrical education.

Board of Examiners, Hoisting Engineers

A board of examiners in the RI Department of Labor and Training is authorized and empowered to assist the Division of Professional Regulation to examine and license operators of machinery of 5 horse power or more, powered by steam, internal combustion engines, electric, or compressed air.

The division shall make rules and regulations for examining and licensing applicants.

The licenses issued are valid for two years. They are subject to renewal on licensee's birthday.

UNRESTRICTED ENDORSEMENTS:	COMPUTER CODE	TEST FEE	LICENSE FEE	RENEWAL FEE
Full License (see notes 1 & 2)	140	$75	$48	$48
Lattice Crane	141	$75	$42	$42
Hydraulic Crane	142	$75	$42	$42
Aerial Lift	143	$75	$42	$42
Overhead Electric Crane	144	$75	$42	$42
Conveyor Belt	145	$75	$42	$42
Concrete Pump/Screeding Equipment	146	$75	$42	$42
Const. Forklift/Telehandler (see note 2)	147	$75	$42	$42
Excavating Equipment	207	$75	$36	$36
Drilling Rig	208	$75	$36	$36

NOTE 1: Must hold valid RI Hoisting Engineer License (Unrestricted) for a minimum of two (2) years.
NOTE 2: Must submit a copy of Federal OSHA Forklift certification in accordance with Powered Industrial Trucks Regulation (29 CFR 1910.178).

RESTRICTED ENDORSEMENTS:	COMPUTER CODE	TEST FEE	LICENSE FEE	RENEWAL FEE
Hydraulic Delivery Truck	100	$75	$30	$30
Lattice Crane	101	$75	$30	$30
Hydraulic Cranes	102	$75	$30	$30
Overhead Electric Crane	103	$75	$30	$30
Crane Sign	105	$75	$30	$30
Aerial Lift	106	$75	$30	$30
Excavating Equipment	204	$75	$30	$30

Rules and regulations are promulgated by the division. Examinations are given by the division with the assistance of the Board of Examiners of Hoisting Engineers. Certificates may not be assigned or transferred but after a hearing, may be suspended or revoked.

Mechanical Board

No person, firm, or corporation shall be engaged or work as a contractor, journeyperson, apprentice, or advertise as such without a license and certificate issued by the Division of Professional Regulation in the RI Department of Labor and Training.

The licenses issued are valid for one year. All licenses are renewable on applicant's birthday.

CLASSIFICATION	CERTIFICATE	TEST FEE	LICENSE FEE	RENEWAL FEE
Master Mechanical Contractor	MMA	NO TEST	$240	$240
Contractor Master		$75	$120	$120
Refrigeration Master 1	RM1	$75	$120	$120
Refrigeration Master 2	RM2	$75	$48	$48
Pipefitter Master 1	PM1	$75	$120	$120
Pipefitter Master 2	PM2	$75	$48	$48
Sheet Metal Master 1	SMM1	$75	$120	$120
Sheet Metal Master 2	SMM2	$75	$48	$48
PJF/Natural Gas Service Master 2	LTD	$75	$120	$120
PJF/Propane Gas Service Master 2		$75	$120	$120
Refrigeration Journeyperson 1	RJ1	$75	$36	$36
Refrigeration Journeyperson 2	RJ2	$75	$30	$30
Pipefitter Journeyperson 1	PJ1	$75	$36	$36
Pipefitter Journeyperson 2	PJ2	$75	$30	$30
Sheet Metal Journeyperson 1	SMJ1	$75	$36	$36
Sheet Metal Journeyperson 2	SMJ2	$75	$30	$30
Fire Suppression	LTD	$75	$30	$30
Decorative Heating Appliances Limited 2		$75	$30	$30
Welding	LTD	$75	$30	$30
Gas Serviceperson (Natural Gas) Journeyperson 2	PJF LTD	$75	$72	$72
Gas Serviceperson (Propane Gas) Journeyperson 2	PJF LTD	$75	$72	$72
Synthetic Exhaust Ducting Limited 2		$75	$30	$30
Oil Burner Serviceperson Journeyperson 2	PJF LTD	$75	$72	$72
Gas Station	LTD	$75	$30	$30
Fire Protection Master	FPM	$75	$120	$120
Fire Protection Journeyperson	FPJ	$75	$36	$36
Apprentice Pipefitter	AP-P	NO TEST	$24	$24
Apprenticeship Refrigeration	AP-R	NO TEST	$24	$24
Apprentice Combination	AP-C	NO TEST	$24	$24
PJF Apprentice		NO TEST	$30	$30
Apprentice Sheet Metal		NO TEST	$24	$24
Fire Protection Apprentice	AP-FP	NO TEST	$24	$24

Rules and regulations are promulgated by the division. Examinations are given by the division with the assistance of the Mechanical Board. Certificates may not be assigned or transferred, but after a hearing, may be suspended or revoked.

Board of Examination & Licensing of Telecommunications Systems Contractors, Technicians, and Installers

Withstanding the exceptions contained in section 5-70-7 of the general laws of the State of Rhode Island - no person, firm or corporation shall engage in, or offer to design, install, alter, service or test telecommunications systems without a license issued by the Division of Professional Regulation in the RI Department of Labor and Training.

Telecommunications systems refers to any system involved in the sending and/or receiving at a distance of the following:

- DATA COMMUNICATIONS - use or operation of apparatus for transmission of digitized information between points with or without connecting wires.

- TELEPHONY - use or operation of apparatus for transmission of sounds and especially speech between points with or without connecting wires.

- VIDEO COMMUNICATIONS - use or operation of apparatus for transmission of image(s) between points reproduced through electrical or other means with or without connecting wires.

- SOUND - use or operation of apparatus for transmission of sounds and especially music and/or speech between points with or without connecting wires for broadcast or disbursement over an area.

The licenses are valid for one year. They are subject to renewal on the licensee's birthday.

CLASSIFICATION	LICENSE FEE	RENEWAL FEE
Telecommunication System Contractor	$120	$120
Telecommunication System Technician	$72	$72
Telecommunication System Limited Installer	$36	$36
Telecommunication Apprentice	$24	$24

APPLICATION	TEST FEE
DATA	$36
SOUND	$36
TELEPHONY	$36
VIDEO	$36
SATELLITE	$36

Rules and regulations are promulgated by the board. Examinations are administered by the board with the assistance of the Division. Persons or firms subject to exemption are listed in General Law 5-70-7. Penalties are provided for violations of General Law 5-70; et seq.

Burglar and Hold-Up Alarm Businesses

Burglar alarm businesses can bid, engage in and obtain permits for the installation, maintenance, alteration, repair, replacement and servicing of alarm systems. (General Law 5-57)

Board of Examiners of Plumbers

No Person shall engage in the business of plumbing as a master plumber, or work as a journeyperson plumber or apprentice without a license issued by the Division of Professional Regulation in the RI Department of Labor & Training.

CLASSIFICATION	CERTIFICATE	TEST FEE	LICENSE FEE	RENEWAL FEE
Contractor Master	49	$75	$120	$120
Master Plumber	50	$75	$120	$120
Journeyperson Plumber	51	$75	$36	$36
Apprentice Plumber	52	NO TEST	$20	$20
Master Irrigator	53	$75	$120	$120
Journeyperson Irrigator	54	$75	$30	$30
Apprentice Irrigator	55	NO TEST	$20	$20

The licenses issued are valid for one year. They are subject to renewal on the licensee's birthday.

An apprentice shall be registered annually by the Department of Labor & Training. A person who continues to work as an apprentice shall be required to register annually as an apprentice and pay the applicable fee.
Rules and regulations are promulgated by the division. Examinations are given by the division with the assistance of the Board of Examiners of Plumbers. Licenses may not be assigned or transferred, but after a hearing, may be revoked.

Safety Awareness

General Law 37-23 requires that all contractors bidding on municipal and state construction projects with a total project cost of one hundred thousand dollars ($100,000) or more, shall have an Occupational Safety & Health Association (OSHA) "Ten Hour Construction Safety Program" for their on-site employees. The training program shall utilize instructors trained by the occupational safety and health administration, using an OSHA approved curriculum. Graduates shall receive a card from the US Department of Labor, Occupational Safety and Health Administration certifying the successful completion of the training course. This card must be kept on their person at all times while work is actually being performed on municipal and state construction projects.

On-site employees are defined as any private person or entity bound by a contractual agreement to provide goods or services to a contractor/developer who must physically enter the place where work is being performed or business being conducted; provided, however, this shall not apply to sales representatives, vendors, or to any person, entity or corporation who delivers building materials and supplies or customized products to a construction site.

Rhode Island State Apprenticeship Council

State Apprenticeship Agency (SAA)

The Rhode Island State Apprenticeship Council has been established to assist Department of Labor and Training to provide advice and guidance in the operation of the State's apprenticeship system. The Director of Labor and Training, with the advice and consent of the Governor, shall appoint a State Apprenticeship Council composed of four (4) representatives each from employer and employee organizations respectively and one public member.

The purpose of the State Apprenticeship Agency (SAA) in Rhode Island is to set forth labor standards to safeguard the welfare of apprentices, promote apprenticeship opportunity, and to extend the application of such standards by prescribing policies and procedures concerning the registration, for certain Federal purposes, of acceptable apprenticeship programs. These labor standards, policies and procedures cover the registration, cancellation and deregistration of apprenticeship programs and of apprenticeship agreements; serve as the authorized State agency for registering apprenticeship programs for certain Federal purposes; and matters relating thereto.

Information and descriptive pamphlets are available at the RI Department of Labor & Training, 1511 Pontiac Avenue, Cranston, RI 02920 or www.dlt.ri.gov/apprenticeship (General Law 28-45-1; et seq.)

Prevailing Wages on Public Works Contracts

Contractors awarded public works projects in excess of one thousand dollars ($1000) must pay their employees the applicable prevailing rate of wages. Overtime provisions require employees to be compensated time and one-half the applicable prevailing wage rate for hours worked in excess of the regular eight hours in one day or in excess of the regular forty hours in one week. The Director of Labor and Training, in making a determination as to the appropriate prevailing wage rate may adopt the wage rate determinations made by the Secretary of Labor of the United States, in accordance with the Davis-Bacon Act. If a contractor willfully violates the law, he/she shall be ineligible to bid on another public works project for a period of up to (36) thirty-six months.

Each contractor awarded a contract for public works with a contract price in excess of one thousand dollars ($1000) and each subcontractor who performs work on such public work must post in conspicuous places on the project, posters which contain the current prevailing rate of wages. (General Law 37-13)

DLT TELEPHONE DIRECTORY

DIVISION/SERVICE		PHONE #	FAX #
Apprenticeship		462-8536	462-8528
Benefit Charge		462-8015	462-8514
Board of Review		462-9400	462-9401
Business Affairs		462-8140	462-8145
Donley Center Rehabilitative Services - all offices		243-1200	222-3887
Economic Development Corporation		278-9100	273-8270
Employer Tax Section		574-8700	574-8940
Executive Offices		462-8870	462-8872
First Stop Business Information Center		222-2185	
Fraud, TDI or UI		462-8419	462-8474
General Information		462-8000	
Governor's Workforce Board		462-8860	462-8865
Job Bank	1-888-616-JOBS	462-8710	462-8722
Labor Market Information		462-8740	462-8766
Labor Relations Board		462-8830	462-8776
Labor Standards		462-8550	462-8530
Parental/Family Leave		462-8550	
Wages, Child Labor		462-8550	
Sunday/Holiday Premium Pay		462-8550	
Marketing/Communications		462-8810	462-8872
Mediation and Conciliation Services		462-8870	462-8872
Mercantile Division - Weights & Measures		462-8568	462-8530
netWORKri One Stop Career Centers:			
Providence		462-8900	462-8947
Wakefield		782-4362	782-4351
West Warwick		828-8382	826-8991
Woonsocket		235-1201	235-1227
Occupational Safety & Health (OSHA)		462-8570	462-8576
Boiler Unit		462-8570 #1	
Elevator Unit		462-8570 #3	
Hazardous Substances		462-8570	
Mine Safety Unit		462-8570 #5	
Right-to-Know Unit		462-8570 #4	
SARA Title III		462-8570	
Statistics		462-8570	
Police Officers' and Firefighters' Relief		462-8855	462-8766
Prevailing Wage		462-8580	462-8528

TTY via RI Relay 711 for all offices

DLT TELEPHONE DIRECTORY

DIVISION/SERVICE	PHONE #	FAX #
Professional Regulation	462-8580	462-8528
Apprenticeship Council	462-8580	
Electricians	462-8580	
Fire Protection/Sprinkler Fitters	462-8580	
Hoisting Engineers	462-8580	
Pipefitters/Refrigeration	462-8580	
Plumbers	462-8580	
Telecommunications	462-8580	
Temporary Caregiver Insurance (TCI)	462-8420	462-8466
Temporary Disability Insurance (TDI)	462-8420	462-8466
Unemployment Insurance		
Administration	462-8400	462-8413
Benefit Accuracy Measurement	462-8610	462-8690
Call Center	243-9100	462-8603
Central Adjudication Unit	462-8300	462-8318
Central Overpayment Unit	462-8010	462-8514
Unemployment Insurance - Call Center	243-9100	462-8603
Claims / Inquiry	243-9100	
Combined Wage	462-8019	462-8602
Mass Filing	462-8418	
Workshare	462-8418	
Veterans Services Program	462-8800	462-8798
Work Opportunity Tax Credit (WOTC)	462-8800	462-8798
Workers' Compensation	462-8100	462-8105
Education Unit	462-8100 #1	
Investigative Unit	462-8100 #7	462-8128
Self Insurance Unit	462-8100 #6	462-8095
Workers' Compensation Admin. Fund	462-8100 #6	
Workforce Development Services	462-8800	462-8818
Dislocated Worker Unit / WARN	462-8800	462-8796
Employer Service Unit	462-8710	462-8722
Workforce Investment Office	462-8780	462-8787
Workforce Partnership of Greater RI	462-8730	462-8725
Workforce Regulation & Safety	462-8580	462-8528
Workforce Solutions of Providence-Cranston	680-8585	680-8586

TTY via RI Relay 711 for all offices

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This Employer Handbook explains the rights and responsibilities of employers whose workers are protected by the Rhode Island Employment Security, Temporary Disability Insurance and Workers' Compensation Act. It is meant to help those who are responsible for personnel and payroll records. The text is merely intended as a guide; it does not have the force or effect of law, rule, or regulation.

For additional copies of this Handbook write or call:

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Cranston, Rhode Island 02920-4407

Phone: (401) 462-8810
Fax: (401) 462-8872
Hearing Impaired: TTY via RI Relay 711

If you have Internet access, the Department maintains a web site at: www.dlt.ri.gov

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Labor Market Information

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