

# A GUIDEBOOK TO RHODE ISLAND'S WAGE AND WORKPLACE LAWS







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The Labor Standards (Wage and Hour) Unit administers a wide range of laws that protect and promote the interests of Rhode Island’s 500,000 workers. This Unit also devotes considerable resources, primarily through seminars and educational materials, to encourage and assist Rhode Island’s 35,000 employers to comply with the wage and hour laws.

Major areas of enforcement of this unit include Payment of Wages, Vacation Pay, Minimum Wage, Overtime, Work on Sundays and Holidays, RI Parental & Family Medical Leave, Record Keeping, and hours and work of minor employees.

Some of the following pages come directly from the *RI Employer Handbook and Digest of Labor Laws*. The full version of the Handbook is available online at [www.dlt.ri.gov/lmi/publications/handbook.htm](http://www.dlt.ri.gov/lmi/publications/handbook.htm).



## A Message From the Director

The Department of Labor and Training is pleased to present this Guidebook to our clients, in particular to the employers doing business in Rhode Island.

Rhode Island has been enforcing Wage and Hour Laws since 1940 when Public Law Chapter 895 was enacted. The Labor Standards (Wage and Hour) Unit now administers labor laws affecting over 500,000 Rhode Island workers, and approximately 35,000 employers through the enforcement of provisions relating to child labor, parental and family medical leave, and payment of wages including minimum wage, overtime, and fringe benefits upon termination. Record-keeping requirements are also enforced. Over the years, numerous amendments have been made, and as with most laws, those affecting “Wage and Hour” have been subject to varying interpretations. We are hopeful that this will serve as both a convenient reference and an educational tool that is equally user-friendly and informative.

Since employers utilize many of the services offered by the Department of Labor and Training, we have enclosed a directory for the Labor Standards (Wage and Hour) Unit as well as the DLT Career Centers and re-employment offices.

We recognize that employers must be well-informed to operate their businesses within the boundaries of the law. It is with this in mind that we are providing employers with this reference, as well as Seminars for Employers. We are confident that with the Department of Labor and Training’s website, all the information being made available will provide the necessary tools to assist you in complying with Rhode Island’s Labor Laws.

As with any guidebook, we could not cover all situations, and it does not replace actual Rhode Island General Statutes and regulations and/or court decisions. Contact our Labor Standards (Wage and Hour) Unit or your legal advisor for more detailed information.

Warm regards,

A handwritten signature in blue ink, appearing to read "Matt Weldon". The signature is fluid and cursive, with a prominent initial "M".

Matt Weldon  
Director  
Rhode Island Department of Labor and Training

# Key Points Contained in This Guide

1. Employers are required to pay non-exempt employees at least the minimum wage.
2. Employers are required to pay non-exempt employees time and one-half their regular rate of pay for hours worked over 40 in a week.
3. Employers are required to maintain, for a period of not less than three (3) years, true and accurate records of the name, address, occupation, rate of pay, amount paid each pay period, and hours worked each day and each week by their employees.
4. Requirement that hourly employees be paid weekly or may petition the Director of Labor and Training to pay biweekly.
5. Deductions permitted by state and federal law must be set forth in a Statement of Earnings provided to employees on every regular payday or electronically. Requests for permissible deductions from the wages of an employee must be in accordance with a written request submitted by the individual employee.
6. As of July 1, 2018, most RI employees have the legal right to earn sick and safe leave from work per RIGL 28-57.
7. As of January 1, 2023, it is unlawful for an employer to pay a differential wage based on race, color, religion, sexual orientation, gender identity or expression, disability, age, and country of ancestral origin for comparable work.
8. RI DLT adopts the Federal Economic Realities Test when determining if a worker is an “employee or a contractor.” Employees must be paid with a payroll check with the applicable payroll deductions, and the employer must report their employees’ wages to the RI Employer Tax Division.



# Frequently Asked Questions about RI's Wage and Hour Laws

## HOW IS OVERTIME TO BE PAID? WHAT ARE THE EXCEPTIONS?

Hours worked more than 40 per week are to be paid at time and one-half the worker's regular rate of pay. Any employee of a summer camp open no more than six months of the year, police officers, firefighters and rescue service personnel employed by the cities and towns, employees of the state or political subdivisions of the state who elect through collective bargaining or other agreement or understanding to receive compensatory time off equal to one and one-half times the hours worked over 40, employees employed in a bona fide executive, administrative or professional capacity as defined by the Fair Labor Standards Act receiving a salary of at least \$200 per week (the salary divided by the number of hours worked must not violate the applicable minimum wage), salaried employee of a nonprofit national voluntary health agency who may elect compensatory time off for the hours worked in excess of 40, employees 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, employee employed as a salesperson or parts person or mechanic primarily engaged in the sale and/or servicing of automobiles, trucks or farm implements and is employed by a non-manufacturing employer primarily engaged in the business of selling vehicles or farm implements provided that the 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 40 hours per week.

## WHAT IS THE MINIMUM WAGE? WHAT ARE THE EXCEPTIONS?

As of January 1, 2024, the minimum wage is \$14.00 per hour. Exemptions include minors, 14-15 years of age working 24 hours or less. They may be paid 75% of the minimum wage = \$10.50 per hour. If a minor works over 24 hours, all hours must be paid at the minimum wage. For more information on the minimum wage, including a link to the law, please visit our minimum wage web page at <https://dlt.ri.gov/regulation-and-safety/labor-standards/minimum-wage>.

Other exemptions: Individuals working in or about a private home, traveling salespersons or outside salespersons, individuals employed by his/her son, daughter, or spouse, and services performed by a child under the age of 21 in the employ of his/her mother or father, persons employed between May 1 and October 1 in a resort establishment which regularly serves meals to the general public and which is open for business not more than six months a year, persons employed by an organized camp which does not operate for more than seven months in any calendar year.

## WHAT IS THE MINIMUM WAGE FOR WAIT STAFF?

Commencing January 1, 2017, wait staff must be paid at least \$3.89 per hour and the number of tips received must bring this amount to \$14.00 as of January 1, 2024, for all hours worked.

## WHAT TYPES OF RECORDS OF HOURS MUST BE KEPT AND WHO IS EXEMPT?

An employer must keep an accurate daily and weekly (time in and out) record for all employees. No one, including employees paid on a salary basis, is exempt from this law. These records, along with payroll records, must be kept for at least three years.

## WHAT IS THE LAW REGARDING LUNCHES AND BREAKS?

A twenty-minute meal period must be given during a six-hour shift, and a thirty-minute meal period must be given during an eight-hour shift. This does not include healthcare facilities or companies employing less than three employees at one site during a shift.

## WHAT ARE THE LEGAL HOLIDAYS?

New Year's Day	January 1
Memorial Day	Last Monday in May
Independence Day	July 4
Juneteenth, National Freedom Day	June 19
Victory Day	Second Monday in August
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veterans' Day	November 11
Thanksgiving Day	Fourth Thursday in November
Christmas Day	December 25

## I WORK FOR A MANUFACTURER ON SUNDAYS; HOW SHOULD I BE PAID? EXEMPTIONS?

Hourly-paid employees must receive time and one-half the normal hourly rate of pay.

Exceptions include employees working in agriculture or maritime trades, physicians, dentist, attorneys at law or accountants, health care or maintenance (hospitals, nursing homes, etc.), restaurants, hotels, motels, summer camps, resorts, or other recreational facility (except health clubs), salaried employees in a bona fide executive, professional or administrative capacity, telephonic delivery of customer service, sales operations, and ancillary services related thereto except for employment in the telecommunications industry which is part of any collective bargaining agreement or employment contract.

## IF I WORK MORE THAN 40 HOURS IN A WEEK AND 8 HOURS ON A HOLIDAY, HOW AM I TO BE PAID?

If you work in non-retail, the hours over 40 are to be paid at time and one-half, the holiday is to be paid at time and one-half and the remainder is to be paid straight time. Example: Total hours 60 and eight of these hours were worked on a holiday. Extract the overtime hours from the total = 20, these hours are to be paid at time and one half. Extract the eight from the remaining forty = 32. Eight hours are to be paid time and one-half premium pay for working the holiday and 32 hours are straight time.

If you work in retail, the holiday hours are extracted first and paid at time and one half. If there are hours over 40 in the balance, these hours are to be paid at time and one half also. Example: Same as above, extract the holiday hours from the total hours and the balance is 52. The eight hours are to be paid at time and one-half premium pay. Because there are hours over forty in the balance, these 12 hours must be paid at time and one half for the overtime. The balance of 40 is paid at straight time. The city/town councils shall grant licenses for the sale by retail establishments at any place in that town or city designated in those licenses on Sundays.

## IF I AM PAID HOURLY, SHOULD I BE PAID WEEKLY?

Yes, exemptions are employees of the state and its political subdivisions and of religious, literary, or charitable corporations and those employees whose compensation is fixed at a biweekly, semi-monthly, monthly, or yearly rate. The latter being employees paid a salary. The director may, upon written petition showing good and sufficient reason, permit the employer and its affiliates to pay wages less frequently than weekly provided:

**1.)** The employer's average payroll exceeds 200% of the state minimum wage as defined in § 28-12-3; **2.)** The employer makes payment of wages regularly on a predesignated date no less than twice per month; and

3.) The employer provides proof of a surety bond or other sufficient demonstration of security in the amount of the highest biweekly payroll exposure in the preceding year for the employees subject to the petition; 4.) If the involved employees are subject to collective bargaining, the employer provides the written consent of the collective bargaining representative for all involved employees.

### **HOW AM I TO BE PAID, AND HOW IS A PAYDAY ESTABLISHED?**

Every employer must establish a regular payday on which wages shall be paid in full in lawful money of the United States or checks on banks convertible into cash on demand. Every payday shall fall within nine (9) days of the end of a payroll period. Every employee shall be notified in writing or by posted notice that may be readily seen, of a change in the scheduled payday at least three (3) paydays in advance of a scheduled change.

### **IS IT A LAW THAT I SHOULD BE RECEIVING A STATEMENT OF EARNINGS (PAY STUB)?**

On every regular payday, the employer shall furnish to any employee a statement of the hours worked during the applicable pay period, a record of all deductions made from that employee's gross earnings with an explanation of the basis or reason for such deductions.

### **WHAT IS THE VACATION LAW?**

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.

### **I WORK ON A CASH REGISTER AND AT TIMES THE DRAWER IS SHORT. CAN THE EMPLOYER DEDUCT THE SHORTAGE FROM MY PAY?**

An employer may not deduct for shortages, damages, rent, uniforms, or any other reason (except applicable taxes). An employer may make a deduction for a loan or advance against future earnings if evidenced by a statement in writing signed by the employee with the amount to be deducted each pay period. The statement may read "balance due upon separation."

### **I WAS PROMISED A BONUS FROM MY EMPLOYER, BUT HE HAS NOT PAID IT YET. CAN YOU HELP ME?**

No. The payment of any bonus in addition to the payment of wages will not be subject to the provision of this chapter.

### **WHAT HOURS CAN 16-17-YEAR-OLD MINORS WORK AND HOW MANY HOURS?**

Not before 6:00 a.m. or later than 11:30 p.m. (if no classes are scheduled on the following day, minor may be employed until 1:30 a.m.) If the minor is not a student, there is no curfew. Maximum hours in RI are 9 hours per day (9 3/5 hours per day in a 5-day work week), 48 hours per week.

### **WHAT HOURS CAN 14-15-YEAR-OLD MINORS WORK AND HOW MANY HOURS?**

Not before 6:00 a.m. or later than 7:00 p.m. (except 9:00 p.m. during school vacations). Federal Law is not before 7:00 a.m. or later than 7:00 p.m. (except 9:00 p.m. from June 1 through Labor Day). Maximum hours in Rhode Island are 8 hours per day, 40 hours per week. Federal is 3 hours per day (school day), 8 hours non-school day, 18 hours per week (school week), and 40 hours non-school week.

## **WHAT KIND OF WORK CAN A 14-15-YEAR-OLD DO? WHAT KIND OF WORK CAN THEY NOT DO?**

Permitted but not limited to office and clerical (including office machines), cashier, bagger, price marking, landscaping (no power-driven machines), cleaning, waiting tables, bussing tables, and dishwashing.

Not permitted but not limited to manufacturing, mining, processing food or materials, laundry (washers/dryers), warehouse, construction, freezers, meat coolers, loading and unloading from trucks, railroad cars or conveyors, jewelry processing (by hand, or machine), bakeries (except strictly counter help), on any dock (public or private), dispensing gasoline, oil, any work in a car wash.

## **CAN A PERSON PROCESS JEWELRY IN THEIR HOME? WHERE CAN JEWELRY WORK BE PERFORMED?**

No, jewelry homework is prohibited. Performing jewelry homework may and has violated the minimum wage, overtime, records of hours, payment of wages, and child labor laws. Also, some materials used in certain processes may be hazardous to a person's health. Upon receiving a complaint, an examiner will visit the home and confiscate the work being processed. The work is then returned to its rightful owner and the case is forwarded to the Attorney General for prosecution (both the homemaker(s) and person(s) giving out the homework).

This office registers contract shops and issues contract shop permits. The shop must exist separate and apart from a home, where zoning permits, and have adequate heat, lighting, and toilet facilities. The application fee is \$120.00. An examiner will inspect the shop to ensure compliance. Permits expire on September 30th of each year.

## **WHAT IS THE PARENTAL AND FAMILY LEAVE ACT?**

The R.I. Parental and Family Medical Leave Act is thirteen consecutive weeks of unpaid leave for the birth of a child, placement of an adopted child sixteen years of age or younger, or a serious illness or injury, impairment, or condition that involves inpatient care in a hospital, nursing home or hospice, or outpatient care requiring continuing treatment or supervision by a health care provider.

Family member means parent, spouse, child, mother-in-law, father-in-law, or the employee.

Requirement: Must have been employed for 12 consecutive months, give the employer written 30-day notice (unless prevented by medical emergency), the company must employ 50 or more employees.

Before the commencement of parental or family leave, the employee shall pay to the employer a sum equal to the premium required to maintain the employee's health benefits in force during the period of leave. The employer shall return such payment to the employee within ten (10) days following the employee's return to employment.

Upon expiration of such leave, the employee is entitled to be restored by the employer to the position held when the leave commenced or to a position with equivalent seniority, status, employment benefits, pay, and other terms and conditions of employment.

# Wage and Hour Facts from the RI Digest of Labor Laws

## MINIMUM WAGE

The minimum wage for all workers 16 years of age and older: 1/1/24, \$14.00 per hour.

## EXCEPTIONS

1. Full-time students under 19 years of age working in nonprofit religious, educational, library, or community service organizations: 1/1/24, \$12.60 per hour (90% of applicable minimum).
2. 14 and 15-year-olds who do not work more than 24 hours a week. (For any week in which a 14 and 15-year-old works more than 24 hours the higher applicable minimum rate must be paid for all hours worked in that week.) 1/1/24, \$10.50 per hour (75% of applicable minimum).
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, shoeshine 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. (General Law 28-12)

## OVERTIME

All employees must be paid time and one-half the worker's regular rate for all hours over 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

Rhode Island General Law Section 28-12-4.3 Exemptions:

- (a) The provisions of sections 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 before the performance of work, to receive compensatory time off for hours worked more than 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 the 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, parts person, or mechanic primarily engaged in the sale and/or servicing of 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, biweekly 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 over forty (40) hours per week.
  9. Any employee employed in agriculture; however, this exemption applies to all agricultural enterprises that produce greenhouse crops, fruit and vegetable crops, herbaceous crops, sod crops, viticulture, viniculture, floriculture, feed for livestock, forestry, dairy farming, aquaculture, the raising of livestock, furbearing animals, poultry and eggs, bees and honey, mushrooms, and nursery stock. This exemption also applies to nursery workers; and
  10. Any employee of an air carrier subject to the provisions of 45 U.S.C. § 181 et seq., of the Railway Labor Act when the hours worked by that employee in excess of forty (40) in a workweek are not required by the air carrier, but are arranged through a voluntary agreement among employees to trade scheduled work hours.

(b) Nothing in this section exempts any employee who under applicable federal law is entitled to overtime pay or benefits related to overtime pay.

## **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 of work not furnished on that shift, the employer must pay the employee for three (3) hours of work at the employee's regular rate of pay. Retail establishment employees must be provided with four (4) hours work on Sundays and Holidays. If 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 and an employee can enter into an agreement to work less than three (3) hours per day and not be subject to the 3-hour minimum shift.

## **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, the last Monday in May; Independence Day, July 4; Juneteenth, National Freedom Day, June 19; Victory Day, second Monday in August; Labor Day, the 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.

## **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 40 of Title 11, entitled “Sunday Laws”, and 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 except for alcoholic beverages.

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 that is not operated for profit.

Retail establishments engaged principally in the preparation and/or sale of bakery products and pharmacies shall be licensed before 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 to examine and inspect 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 to ascertain 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
1/1/19 \$10.50	\$3.89	\$6.61
1/1/20 \$11.50	\$3.89	\$7.61
1/1/22 \$12.25	\$3.89	\$8.36
1/1/23 \$13.00	\$3.89	\$9.11
1/1/24 \$14.00	\$3.89	\$10.11

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 bus persons in the same manner as wait staff. 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.  
MONTH                  DAY                  YEAR                                  AMOUNT

(tips) 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. (General Law 28-12-5)

## **WORKERS WITH DISABILITIES**

The Director of Labor and Training may provide by regulation, after a public hearing at which any person may be heard, for the employment in any occupation at wages lower than the wage rates applicable under this chapter of individuals whose earning capacity is impaired by physical or mental disability as he or she may find appropriate to prevent curtailment of employment opportunities, to avoid undue hardship, and to safeguard the applicable wage rates under this chapter. No employee shall be employed at wages fixed pursuant to this section except under a special license issued under applicable regulations of 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, and 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 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 RI GL 28-14-2.2.

Notice of any changes in a scheduled payday shall be given to 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 that 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 the 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 of 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 over three (3) hours per day on school days, or over 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)

## **SICK AND SAFE LEAVE**

As of July 1, 2018, most RI employees have the legal right to earn sick and safe leave from work per RI General Law §28-57. The Healthy and Safe Families and Workplaces Act gives Rhode Island employees the right to take time off from work to care for themselves when they are too sick to work, are injured, or have a routine medical appointment. They may also use earned leave to deal with the impact of domestic violence, sexual assault, or stalking. In addition, they may use earned leave to assist their child, spouse, domestic partner, or other member of their household for the same purposes.

Employers with 18 or more employees must provide paid sick and safe leave. Employers with 17 or fewer employees must provide earned sick and safe leave, but it does not need to be paid.

Employees may earn sick/safe leave based on their employer's policy, or, under this act, they are entitled to earn at least one hour of sick/safe leave for every 35 hours worked. Time starts accruing on the first day of employment. Starting in 2020, full-time employees may earn and use up to 40 hours per year. Once the annual cap is reached, accrual stops. Employers may elect to offer more. Potential waiting periods to use earned leave are:

- 90 days for new employees;
- 180 days for temporary employees;
- 150 days for seasonal employees.

Employers may not take adverse action against an employee for attempting to exercise their legal right to use earned sick/safe leave. Examples include denying the use of time, giving undesirable assignments, reducing work hours, or demotion.

## **PAY EQUITY ACT**

Pursuant to Rhode Island General Law § 28- 6-18, it is unlawful for an employer to pay a differential wage based on race, color, religion, sexual orientation, gender, gender identity or expression, disability, age, and country of ancestral origin for comparable work. Please visit the [www.dlt.ri.gov/regulation-and-safety/labor-standards](http://www.dlt.ri.gov/regulation-and-safety/labor-standards) website for a list of factors when the differential wage is permissible.

Employers are prohibited from inquiring into or requiring the disclosure of a job applicant's wage history, from relying upon a job applicant's wage history when considering the individual's candidacy, and from setting a minimum or maximum threshold of prior wage earnings as a condition of employment.

Pursuant to Rhode Island General Law § 28- 6-18, it is unlawful for an employer to prohibit employees from discussing wages or asking other employees about their wages. Employers may not request or require that employees or applicants waive the right to discuss wages.

Any discriminatory or disciplinary action taken against an employee for exercising these rights under the Act, or for opposing any practice made unlawful by the Act, is prohibited.

## **WAGE THEFT**

- **Misdemeanor charges** may be brought forth by the Attorney General’s Office if it is established that an employer withheld owed wages from an employee.
  - **Misdemeanor Penalties**
    - If convicted, or upon entry of a guilty plea, a defendant charged under these provisions is subject to:
      - Imprisonment of up to one (1) year;
      - A fine of up to \$4,000; or
      - Both imprisonment and fine.
- **Felony Charges**
  - The law authorizes the Attorney General’s Office to bring felony charges where each of the following elements are alleged:
    - An employer withheld owed wages from an employee; and
    - The employer did so knowingly and willfully; and
    - The amount owed to the employee in unpaid wages exceeds \$1,500.
  - **Felony Penalties**
    - If convicted, or upon entry of a guilty plea, a defendant charged under these provisions is subject to:
      - Imprisonment of up to one (3) years;
      - A fine of up to \$5,000; or
      - Both imprisonment and fine.



## WORKER MISCLASSIFICATION

Rhode Island employers must generally withhold state and federal income taxes, Social Security and Medicare taxes, and pay unemployment taxes on wages paid to employees. They must also pay Workers' Compensation premiums on the employees.

An employee is anyone performing service for an employer who controls what will be done and how it will be done by the worker.

Independent Contractors have an independent trade, business, or profession. Their services are offered to the public and they have the right to control the means and methods of how the work is performed. The RI DLT enforces the US DOL Economic Realities Test when determining if a worker is an employee or an independent contractor.

- **Civil penalties** may be brought forth by the Department if it is established that an employer misclassified one or more employee(s) as independent contractors.
  - First violation: A fine of between \$1,500 and \$3,000 per misclassified employee
  - Subsequent violations: A fine of up to \$5,000 per misclassified employee
- **Criminal charges** may be brought forth by the Attorney General's Office if it is established that an employer misclassified one or more employee(s) as independent contractors.
  - The law authorizes the Attorney General's Office to bring **misdemeanor charges** if:
    - An employer is within the Construction Industry<sup>1</sup>;
    - The employer knowingly and willfully misclassified one or more employee(s); and
    - This is a first offense.
  - **Misdemeanor Penalties**
    - If convicted, or upon entry of a guilty plea, a defendant charged under these provisions is subject to:
      - Imprisonment of up to one (1) year;
      - A fine of up to \$1,000; or
      - Both imprisonment and fine.
  - The law authorizes the Attorney General's Office to bring **felony charges** if:
    - An employer is within the Construction Industry; and
    - The employer has previously been found to have committed misclassification of one or more employee(s); and
    - The effect of the misclassification deprives the employee of at least \$1,500 in wages.
  - **Felony Penalties**
    - If convicted, or upon entry of a guilty plea, a defendant charged under these provisions is subject to:
      - Imprisonment of up to three (3) years;
      - A fine of up to \$,000; or
      - Both imprisonment and fine.

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<sup>1</sup> Definition of Construction Industry under the law: "Construction industry" means the business of constructing, reconstructing, altering, maintaining, moving, rehabilitating, repairing, renovating, or demolition of any building, structure, or improvement to the excavation of or other development or improvement to land, highways, or other real property.

## **LUNCH PERIOD**

A twenty-minute meal period must be given during a six-hour shift, and a thirty-minute meal period must be given during an eight-hour shift. This does not include healthcare facilities or companies employing less than three employees at one site during a shift.

## **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 home workers certified by the department. No homework licenses may be issued to industries that 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 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 the 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 before 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 to not unduly disrupt the operation of the employer.

## **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 before 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)

# Labor Standards Forms

There are several forms that Labor Standards utilizes. They are available for download online at [www.dlt.ri.gov/ls/LSforms.htm](http://www.dlt.ri.gov/ls/LSforms.htm). Listed here are the forms and a sample of what they look like as well as when and why they need to be filled out.



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
 DEPARTMENT OF LABOR AND TRAINING  
**LABOR STANDARDS UNIT**  
 1511 Pontiac Avenue – Building 70-2  
 P.O. Box 20390  
 Cranston, RI 02920-0942  
 (401) 462-8550

## APPLICATION REQUEST FOR EMPLOYEE BI-WEEKLY PAY

*This application MUST be submitted with original signatures. NO facsimile copies will be accepted.*

A. INFORMATION FOR COMPANY MAKING REQUEST FOR BI-WEEKLY PAY		
Company Name:		Date Application Completed:
Address of Company: Number, street, suite no.:		Federal Employer Identification Number (FEIN):
City or Town, State and Zip Code:		Email Address:
Name of Company Contact Person:	Title:	Telephone No. of Contact Person: (       )
B. CORPORATE OFFICE INFORMATION (If applicable)		
Corporate Office Name:		Federal Employer Identification Number (FEIN):
Address of Corporate Office: Number, street, suite no.:		
City or Town, State and Zip Code:		
Name of Contact Person with Corporate Office:	Title:	Telephone No. of Corporate Office Contact Person: (       )
C. CERTIFICATION OF COMPANY/EMPLOYER		
<b>1. Please determine and select which category your company is eligible for (Only check ONE category):</b>		
<input type="checkbox"/> a. <b>Category 1</b> – said company, as stated above, certifies its average payroll <b>exceeds</b> 200% of the State minimum wage* and will pay its employee wages on a designated date on a bi-weekly basis:	<input type="checkbox"/> b. <b>Category 2</b> - said company, as stated above, certifies its average payroll <b>DOES NOT</b> exceed 200% of the State minimum wage*. The company <b>MUST</b> provide the following information:	
(1) Company <b>MUST</b> submit payroll records with this application that demonstrates ability to meet and satisfy this requirement, and a brief explanation as to how the figures in the payroll records reflect the company's compliance with this requirement.	(1.) Specify method wages shall be paid.* <input type="checkbox"/> Check <input type="checkbox"/> Other:	
	(2.) Employer's designated pay day: (Check only one box) <input type="checkbox"/> Monday <input type="checkbox"/> Tuesday <input type="checkbox"/> Wednesday <input type="checkbox"/> Thursday <input type="checkbox"/> Friday <input type="checkbox"/> Other:	
	(3.) Classification of employees involved:	
	(4.) Specify the salary ranges of employees involved:	
<small>Note: As of January 1, 2022, the State minimum wage is \$12.25 per hour.</small>	<small>*Note: Direct Deposit and/or Pay Cards allowed with employee's written consent.</small>	

DLT is an equal opportunity employer/program - auxiliary aids and services available upon request. TTY via

RI Relay 711 Labor Standards - Employee Bi-Weekly Pay Application – REV 01-01-2022 doc

Page 1 of 2    Initial: \_\_\_\_\_

**Form: Employee Biweekly Pay Application**

**Audience: Employers**

**Purpose: Decrease the frequency of weekly payroll**

Standby Letter of Credit Department  
2 USA Boulevard  
Mail Code 000-000-00  
Providence, RI 02940  
SWIFT: SVNRUS30

Date: January XX, 2014

**DRAFT**

**IRREVOCABLE STANDBY LETTER OF CREDIT**  
NUMBER: \_\_\_\_\_

**BENEFICIARY**  
State of Rhode Island  
Director or Director's Designee  
Department of Labor and Training  
Division of Workforce Regulation and Safety  
Labor Standards Unit  
1511 Pontiac Avenue, Bldg. 70/2  
Cranston, Rhode Island 02920

**APPLICANT/EMPLOYER**  
ABC Inc.  
1234 Pontiac Way  
Providence, RI 02940

**EXPIRATION:** At our counters on:

We hereby establish in your favor our Irrevocable Standby Letter of Credit No. \_\_\_\_\_ for the account of ABC Inc. up to the aggregate amount of USD\$25,000.00 (Two Hundred Twenty Five Thousand and 00/100 U.S. DOLLARS) available by your drafts at sight drawn on USA Bank, N.A., 2 United States Boulevard, Mail Code 000-000-00-00, Providence, RI 02940, as compiled by the following:

1. A statement purportedly signed by an authorized representative of the Beneficiary reading as follows:

"We hereby certify that the draft amount represents funds due because ABC Inc. has failed to pay its hourly employees their bi-weekly earned hourly wages."

2. The original of this Letter of Credit, and any amendments

Each draft must be marked "Drawn under USA Bank, N.A. Letter of Credit No. \_\_\_\_\_ dated January XX, 2014."

It is a condition of this Irrevocable Standby Letter of Credit that it shall be deemed automatically extended without amendment for additional periods of one (1) year from its current expiration date, or any future expiration date, unless at least sixty (60) days prior to any such expiration date we shall notify you by overnight courier, that we intend not to consider this Irrevocable Standby Letter of Credit renewed for any such additional period.

We hereby agree that drafts drawn under and in compliance with the terms of this Letter of Credit will be duly honored upon delivery of documents, at our address stated herein, if presented to us prior to the close of business on the expiration date noted herein.

Please address all correspondence regarding this Irrevocable Standby Letter of Credit to the attention of our Standby Letter of Credit Department, located at 2 United States Boulevard, Mail Code 000-000-00-00, Providence, RI 02940, mentioning our reference number as it appears above.

Except for as otherwise stated herein, this Letter of Credit is subject to the International Standby Practices (ISP), International Chamber of Commerce Publication No. 590 (1998 Revision).

USA Bank, N.A.

John Doe  
Banking Officer  
(000) 123-4567



STATE OF RHODE ISLAND  
DEPARTMENT OF LABOR AND TRAINING  
LABOR STANDARDS UNIT  
1511 Pontiac Avenue – Building 70-2  
P.O. Box 20390 Cranston, RI 02920-0942  
(401) 462-8550

**AFFIDAVIT OF CONTINUED COMPLIANCE**

I, \_\_\_\_\_, being first duly sworn, depose and say:

- I have personal knowledge of the facts herein set forth.
- All of the information provided in the Employee Bi-Weekly Pay Application for \_\_\_\_\_, dated \_\_\_\_\_, remains the same.  
Company Name \_\_\_\_\_
- \_\_\_\_\_ (company name) continues to satisfy all of the requirements set forth in the company's Employee Bi-Weekly Pay Application dated \_\_\_\_\_.
- \_\_\_\_\_ (company name) has paid all employees their full wages in a timely manner since the Rhode Island Department of Labor and Training authorized the company to pay employees bi-weekly.
- \_\_\_\_\_ (company name) continues to remain in compliance with all other state labor laws.

Signature \_\_\_\_\_

Title \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, before me the undersigned notary public, personally appeared \_\_\_\_\_ (name of document signer), personally known to the notary to be the person who signed the preceding or attached document in my presence and who swore or affirmed to the notary that the contents of the document are truthful and accurate to the best of his/her knowledge and belief.

Signature of Notary \_\_\_\_\_

Print Name \_\_\_\_\_

My Commission Expires: \_\_\_\_\_  
Notary ID #: \_\_\_\_\_

SWP Affidavit of Continued Compliance.doc  
DLT is an equal opportunity employer/program - auxiliary aids and services available upon request. TTY via RI Relay: 711

**Example of Letter of Credit for Biweekly Pay Application**

**Form: Bi-Weekly Pay Affidavit of Continued Compliance**  
**Audience: Employees**  
**Purpose: Notarized statement of continued compliance**



Rhode Island Department of Labor and Training  
LABOR STANDARDS UNIT – BLDG. 70/2  
1511 Pontiac Avenue, P.O. Box 20390  
Cranston, RI 02920-0944

**OFFICIAL USE ONLY:**  
Case Number: \_\_\_\_\_  
Date Received: \_\_\_\_\_  
Dated Closed: \_\_\_\_\_  
Examiner: \_\_\_\_\_

**NON – PAYMENT OF WAGES COMPLAINT FORM**

Complete both sides of this form, sign and return to the address above; **do not fax or email.** Type or print clearly. **Incomplete forms will be returned.** Complete ALL items to the best of your knowledge. Enclose any copies of documentation that may be relevant to your claim. Please notify this office immediately by mail if you have a change of address, phone number or have been paid.

**EMPLOYEE INFORMATION:**

- First and Last Name: \_\_\_\_\_
- Last 4 Digits of your Social Security #: \_\_\_\_\_
- Address (Number & Street): \_\_\_\_\_  
City/Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_
- Home phone: \_\_\_\_\_ 5. Cell phone: \_\_\_\_\_ 6. Email: \_\_\_\_\_
- Title/Occupation or Type of Work Done: \_\_\_\_\_

**EMPLOYMENT INFORMATION:** (complaint will not be accepted unless this section is completed.)

- Business Name: \_\_\_\_\_ 9. Business Phone: \_\_\_\_\_
- Business Address (Number & Street, **NOT PO Box**): \_\_\_\_\_  
Business City/Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_
- Other Business Name (s) that might be used by employer: \_\_\_\_\_
- Name of Person In Charge: \_\_\_\_\_ 13. Title: \_\_\_\_\_
- Did you work at business address listed above?  Yes  No  
If no, please provide the location where you did work: \_\_\_\_\_
- Hours per week: \_\_\_\_\_ 16. Wage Rate: \_\_\_\_\_
- Type of Wage:  Hourly  Salary  Commission  Other, please explain: \_\_\_\_\_
- Date hired: \_\_\_\_\_ 19. Date of separation: \_\_\_\_\_
- Reason for separation (layoff, quit, etc.): \_\_\_\_\_
- Are you represented by an attorney?  Yes  No  
If yes, please provide the attorney's name: \_\_\_\_\_

22. Please check **all** the reason(s) why you are filing this claim:

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Final paycheck not received                        | <input type="checkbox"/> Commission not received/incorrect | <input type="checkbox"/> Paid Sick/Safe Leave |
| <input type="checkbox"/> Vacation pay upon termination*                     | <input type="checkbox"/> Minimum wage                      | <input type="checkbox"/> Overtime wages       |
| <input type="checkbox"/> No paystub   | <input type="checkbox"/> Sunday or holiday premium pay     | <input type="checkbox"/> Minimum shift        |
| <input type="checkbox"/> Improperly classified as an Independent Contractor | <input type="checkbox"/> Bounced paycheck                  | <input type="checkbox"/> Illegal deductions   |

\*If checked, please provide a written copy of the vacation policy

Page 1 of 2

**Form: Nonpayment of Wages Complaint Form**  
**Audience: Employees**  
**Purpose: Report nonpayment of wages**

**Form: Mandatory Overtime Complaint Form**  
**Audience: Nurses and Certified Nurse Assistants**  
**Purpose: Report forced overtime**

**MANDATORY OVERTIME COMPLAINT FORM**

RI Department of Labor & Training  
Workforce Regulation & Safety, Labor Standards Unit  
1511 Pontiac Avenue, Building 70-2, PO Box 20390  
Cranston, RI 02920-4407  
Tel. No. (401) 462-8550  
www.dlt.ri.gov/ls  
Case Number (for state use only): \_\_\_\_\_

Instructions: Complete this form and answer all questions. Please type or print legibly. Attach any documentation you may have that supports your complaint. Please note that you may attach additional sheets in order to supply the Department with detailed explanations of the questions contained in this form. **Mail all documentation to the address shown above.**

Acceptance of this claim by the Department does not imply that the hospital is in violation of any law or regulation on mandatory overtime restrictions for private, public or state hospitals. RI02-23-17-20

1. Name (Last) (First) (Initial)	3. Social Security Number:
2. Street Address City State Zip Code	4. Telephone # with area code: 5. Alternate telephone number:
6. Are you an hourly employee? If yes, what is your hourly rate of pay? \$ _____ per hour	Occupation/Job Title: _____
7. Name of Employer	

8. Employer Street Address City State Zip Code Telephone No.	
9. Employer Mailing Address (if different from above):	
10. Nature of Employer's business:	

**MANDATORY OVERTIME INFORMATION**

11. For each incident for which you had to work mandatory overtime, provide the date, the hours you were originally scheduled to work, and the overtime hours you were required to work.

Date(s) MM/DD/YYYY	Start Time	End Time	Total Hrs.	Mandatory Overtime		Total Hrs.
				Start Time	End Time	

12. Did you volunteer to work overtime?  
If yes, please explain (attach additional sheets if necessary):  Yes  No



Rhode Island Department of Labor and Training  
INTENTION TO EMPLOY MINOR

Print in Ink, or Type, or on-line (except signature) (Adobe Reader 5.0 and above)

<input checked="" type="checkbox"/> 14-15 Years of Age SPECIAL LIMITED PERMIT TO WORK (Mandatory under law)		Employer's Address:  THIS ESTABLISHMENT WILL EMPLOY THE MINOR NAMED HEREIN, SUBJECT TO ALL PERTINENT LAWS & REGULATIONS. EMPLOYER ASSUMES RESPONSIBILITY TO ASCERTAIN THAT THE MINOR IS OF LEGAL AGE FOR ANY OCCUPATION ASSIGNED.
1. Full Name of Minor	first middle last	8. Signature of Employer: _____ Date: _____
2. Address of Minor		
3. Business Name of Employer		9. Print Signer's Name and Title: _____
4. Business Address of Employer		<b>PARENT'S APPROVAL</b> I HEREBY GIVE PERMISSIONS FOR THE MINOR NAMED ABOVE TO ENTER EMPLOYMENT AS HEREIN DESCRIBED.
5. Address where minor will perform work (if different from above)		
6. Nature of Employer's Business		
7. Minor to be employed in		10. Signature of Parent or Guardian (in ink) X _____
		11. Address of Parent or Guardian: _____

DLFL-77 (Rev. 11/2000) CL-1-1266

RESTRICTIONS -- Hours of Work

MINORS 14-15 years of age:

Maximum hours - RI 8 hours per day, 40 hours per week.  
Federal - 3 hours per day (school day), 8 hours non-school day, 18 hours per week (school week), 40 hours non-school week.  
Curfew - RI Employment permitted between the hours of 6 A.M. and 7 P.M. (except 9 P.M. during school vacation).  
Federal - Employment between the hours of 7 A.M. and 7 P.M. (except 9 P.M. from June 1st through Labor Day).

THE MORE RESTRICTIVE STANDARD APPLIES WHENEVER THERE IS COVERAGE BY BOTH STATE AND FEDERAL LAW.  
Work is prohibited in factories, mechanical, manufacturing, or processing establishments, DOCKS, WAREHOUSES, STORAGE ROOMS, DISPENSING GASOLINE, CAR WASHES  
and parking lot attendants.

MINORS 16-17 years of age:

Maximum hours - RI 9 hours per day (9.5 hours per day in a 4 day work week), 48 hours per week.  
Federal - STUDENTS Employment permitted between the hours of 6 A.M. and 11:30 P.M. (for classes are scheduled on the following day, minor may be employed until 1:30 A.M.)  
CURFEW - STUDENTS 10 Curfew

Certain Occupations have been declassified for 16 and 17 year old workers through the provisions of the Fair Labor Standards Act.

For information regarding Federal Restrictions contact the area office:  
Employment Standards Administration  
United States Dept. of Labor  
380 Westminister Street, Providence, RI 02903  
(401) 520-4531  
For information regarding the provisions of Rhode Island laws contact:  
Labor Standards Division  
RI Department of Labor and Training  
P.O. Box 20390, Cranston, RI 02920-0944  
(401) 462-8550

This application is for employment to take place within the state of Rhode Island. When complete it is to be given to the MINOR, IN PERSON, to the Issuing Officer at designated by the School Committee in the city or town where the work is being performed.

All applications must be accompanied by an acceptable proof of age, such as a (1) Birth Certificate, (2) Baptismal Certificate, (3) EB# Record, (4) Passport, (5) Immunity policy (at least 1 year old), (6) Physician's Certificate of Age as compared to school records of age and parent affidavit, (7) Rhode Island Motor Vehicle Operator's license with photograph.

Minors 14-15 may not start work until employer has been issued the necessary permit.  
Minors 16-17 may not be employed beyond the curfew until the employer has been issued a certificate of age verifying the minor's status.

You may remain anonymous on the form below or when you call the Tip Line at (401) 462-WAGE (9243). The more information provided, however, will help DLT examine your complaint. Thank you.



Rhode Island Dept. of Labor and Training  
LABOR STANDARDS - BLDG. 70-2  
1511 Pontiac Avenue, P.O. Box 20390, Cranston, RI 02920-0944  
PAY EQUITY COMPLAINT FORM

Employee information:  
Name: \_\_\_\_\_  
O Mr. O Mrs. O Ms. \_\_\_\_\_ Soc. Sec. # \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Date of birth: \_\_\_\_\_ Home phone: \_\_\_\_\_ Cell phone: \_\_\_\_\_  
Title of position: \_\_\_\_\_ Email: \_\_\_\_\_  
Employer information: (Complaint will not be accepted unless this section is completed.)  
Company name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
President/Owner Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Local Manager Name: \_\_\_\_\_  
Place work was performed if different from above: \_\_\_\_\_  
Date of hire: \_\_\_\_\_ Last day worked: \_\_\_\_\_  
(mm/dd/yy) (mm/dd/yy)  
Were you discharged? O Yes O No or did you leave? O Yes O No  
Are you collecting Unemployment Insurance? O Yes O No  
Have you discussed the issue of pay equity with your employer? O Yes O No  
WHAT WAS THEIR RESPONSE?  
\_\_\_\_\_  
When did you last speak with your employer? \_\_\_\_\_  
With whom did you speak? \_\_\_\_\_ Title: \_\_\_\_\_  
Company telephone number (if different from above): \_\_\_\_\_

Intent to Employ a Minor Form  
Audience: Employers

Purpose: Required to hire a minor under 18 years of age

Pay Equity Complaint Form  
Audience: Employees

Purpose: Report disparity in wages



Rhode Island Department of Labor and Training  
SPECIAL LIMITED PERMIT TO WORK  
for a Minor 14-15 Years of Age

Print in Ink, or Type on-line, (except signatures) CL-2-6/80

1. Full Name of Minor	first middle last	15. Name of Parent or Guardian
2. Address of Minor		16. Address of Parent or Guardian
3. Age	4. Date of Birth	5. Sex
6. Currently Registered for School?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7. Last Grade Completed	8. Name of School	17. Evidence of Age presented by minor
9. Business Name of Employer		18. Signature of Minor X _____
10. Business Telephone		19. I hereby certify that I am duly appointed and authorized by the School Committee for _____ to issue this special limited permit to the employer named herein for employment of this minor in the occupation and at the address described. I also certify that I have reason to believe that the minor named is of the age herein stated.
11. Business Address of Employer		20. Signature of Issuing Officer
12. Address where minor will perform work (if different from above)		21. Telephone Number of Issuing Officer
13. Nature of Employer's Business		22. Title of Issuing Officer
14. Nature of work to be performed by minor		23. Date Signed

DLFL-75 (Rev. 08/2015 add) CL-2-6/80

NOTICE TO EMPLOYER

- This document is valid for employment in Rhode Island only.
- This document is your property and must be kept with your payroll records. Upon termination of employment, note in our records for this employee, the certificate number, date of issuance, and city or town from which it was issued, and return this document to the issuing officer.

3. HOURS OF WORK MINORS 14-15 years of age:

Maximum hours - RI 8 hours per day, 40 hours per week.  
Federal - 3 hours per day (school day), 8 hours non-school day, 18 hours per week (school week), 40 hours non-school week.  
Curfew - RI Employment permitted between the hours of 6 A.M. and 7 P.M. (except 9 P.M. during school vacation).  
Federal - Employment between the hours of 7 A.M. and 7 P.M. (except 9 P.M. from June 1st through Labor Day).

THE MORE RESTRICTIVE STANDARD APPLIES WHENEVER THERE IS COVERAGE BY BOTH STATE AND FEDERAL LAW.  
Work is prohibited in factories, mechanical, manufacturing, or processing establishments, docks, warehouses, storage rooms, dispensing gasoline, car washes and parking lot attendants.

**NO WORK WHEN SCHOOL IS IN SESSION: Minors 14-15 may not start work until employer has been issued the necessary permit.**

For information regarding Federal Restrictions contact the area office:

Employment Standards Administration  
United States Dept. of Labor  
380 Westminister Street, Providence, RI 02903  
(401) 490-2370

For information regarding the provisions of Rhode Island laws contact:

Labor Standards Unit  
RI Department of Labor and Training  
P.O. Box 20390, Cranston, RI 02920-0944  
(401) 462-8550

DLT is an equal opportunity employer/program - auxiliary aids and services available upon request. TTY via RI Relay: 711

Special Limited Permit to Work for minors 14-15 years old  
Audience: School Departments  
Purpose: Required to employ a minor under 16 years of age

# Rhode Island Minimum Hourly Wage Rates 1956 to Present

Minimum Wage Per Hour	Effective Date
\$0.90	October 1, 1956
\$1.00	October 1, 1957
\$1.15	September 3, 1962
\$1.25	September 3, 1963
\$1.40	July 1, 1967
\$1.60	July 1, 1968
\$2.05	July 1, 1974
\$2.30	January 1, 1976
\$2.65	July 1, 1979
\$2.90	July 1, 1980
\$3.10	July 1, 1981
\$3.35	July 1, 1982
\$3.55	July 1, 1986
\$3.65	July 1, 1987
\$4.00	July 1, 1988
\$4.25	August 1, 1989
\$4.45	April 1, 1991
\$4.75	September 1, 1996
\$5.15	January 1, 1997
\$5.65	July 1, 1999
\$6.15	September 1, 2000
\$6.75	January 1, 2004
\$7.10	March 1, 2006
\$7.40	January 1, 2007
\$7.75	January 1, 2013
\$8.00	January 1, 2014
\$9.00	January 1, 2015
\$9.60	January 1, 2016
\$10.10	January 1, 2018
\$10.50	January 1, 2019
\$11.50	January 1, 2020
\$12.25	January 1, 2022
\$13.00	January 1, 2023
\$14.00	January 1, 2024
\$15.00	January 1, 2025

**As of January 1, 2025, the RI minimum wage is \$15.00**

Federal Minimum Wage:

\$5.15	September 1, 1997
\$5.85	July 24, 2007
\$6.55	July 24, 2008
\$7.25	July 24, 2009

Source: RI Statistical and Fiscal Digest, Labor Market Information



# Visit DLT Career Centers

The DLT Career Centers are conveniently located throughout the state where job seekers and employers are matched through quality employment programs and services. For hours of operation and services available, please visit our website: <https://dlt.ri.gov/individuals/jobseeker-resources/career-centers>.

**HOURS\*: Monday-Thursday, 8 a.m.- 4 p.m.; Fridays, 10 a.m.- 4 p.m.**

*\*Except where otherwise noted*

## **Providence/Cranston**

50 Sims Avenue, Providence, RI 02909

**Lalena Marsigliano, Manager**

Phone: 401-680-5101 | TTY via RI Relay: 711

## **West Warwick**

1330 Main St., West Warwick, RI 02893

**Jean Luisi, Manager**

Phone: (401) 462-4100 | Fax: (401) 462-4107

TTY via RI Relay: 711

## **Woonsocket**

219 Pond St., Woonsocket, RI 02895

**Clifton Bradley, Manager**

Phone: (401) 235-1201 | Fax: (401) 235-1227

TTY via RI Relay: 711

Through our Employer Engagement Team, the Department offers a multitude of services to employers to assist with every stage of business growth. These services are customized to meet the demands of your business. Business Service Specialists can develop job orders, coordinate recruitments/hiring events, as well as provide access to programs that support partial wage reimbursement, employee training support, and tax credit information supporting new hires and incumbent workers. Business Service Specialists are available at our Career Centers above or can visit you on-site at your location.

The Employer Engagement Team proactively responds to businesses experiencing economic downturn by quickly coordinating services and providing aid to companies and their affected workers. We partner with Income Support, Healthsource RI, and United Way to make sure those who are impacted by a planned transition have access to services right away. The team works with businesses to offer supports to workers before, during, and after a planned transition. Employers may visit any of the career centers listed above, or email [dlt.esu@dlt.ri.gov](mailto:dlt.esu@dlt.ri.gov) to request an appointment with a member of the Employer Engagement Team.

# Labor Standards welcomes your QUESTIONS and COMMENTS

If you have questions or comments regarding Labor Standards, please feel free to contact us through the following:

Telephone Number: (401) 462-8550

Fax Number: (401) 462-8530

Check out the Labor Standards website: <https://dlt.ri.gov/regulation-and-safety/labor-standards> for:

- Changes in Rhode Island's Minimum Wage Law: Rhode Island Minimum Wage is \$14.00 per hour as of January 1, 2024
- Employee Bi-Weekly Pay Application Form is available on the website.
- Non-Payment of Wages Complaint Form is available on the website.
- Minimum Wage Posters as well as other posters, which must be posted in the workplace, are available on the website or can be obtained through the Labor Standards Unit free of charge.

Rhode Island Department of Labor and Training website - [www.dlt.ri.gov](http://www.dlt.ri.gov)

## Joseph R. Degnan

Assistant Director of Workforce Regulation and Safety

Rhode Island Department of Labor and Training

1511 Pontiac Avenue, Cranston, RI 02920

E-mail address: [Joseph.Degnan@dlt.ri.gov](mailto:Joseph.Degnan@dlt.ri.gov)



# DLT's Telephone Quick List

The list below provides phone numbers for the Rhode Island Department of Labor and Training's main units.

## AREA CODE 401

Apprenticeship .....	462-8536
Arrigan Rehabilitation Center (formerly Donley) .....	243-1200
Board of Review .....	462-9400
Employer Services .....	462-8744
Foreign Labor Certification.....	462-8744
Governor's Workforce Board RI.....	462-8860
Labor Market Information .....	462-8740
Labor Relations Board .....	462-8830
Labor Standards .....	462-8550
Providence Career Center .....	680-5101
West Warwick Career Center .....	462-4100
Woonsocket Career Center.....	235-1201
Occupational Safety .....	462-8570
Prevailing Wage .....	462-8580
Professional Regulation .....	462-8580
Temporary Disability Insurance.....	462-8420
Unemployment Insurance:	
Call Center (Claims).....	243-9100
Administrative Benefits .....	462-8400
Workers' Compensation .....	462-8100
Workforce Development.....	462-8000
Workforce Investment Office .....	462-8780
Workforce Partnership of Greater RI .....	462-8730
Workforce Solutions of Providence Cranston.....	680-8585
Workshare Program.....	462-8418

Interested in learning more about the services DLT has to offer?

Visit the **Workforce Resources for Employers** page on our website at: [www.dlt.ri.gov/employers](http://www.dlt.ri.gov/employers).



# Other Agencies to Contact for Additional Information

**Bankruptcy Court Clerk's Office**  
401-626-3100

**Massachusetts Attorney General's Office**  
Fair Labor Business Practices Division  
1-617-727-3465

**Cobra & Other Health Insurance Information**  
RI Dept. of Business Regulation  
401-462-9500

**RI Dept. of Commerce**  
401-278-9100

**Discrimination/Sexual Harassment**  
RI Commission for Human Rights  
401-222-2662

**Occupational Health & Safety Administration**  
Private Sector  
U.S. Department of Labor  
401-528-4669

**Equal Employment Opportunity**  
RI Dept. of Administration  
State Employees Opportunity Office  
401-222-3090

**Pension Benefits Administration**  
U.S. Department of Labor  
617-565-9600

**Private Employees Equal Employment  
Opportunity Commission**  
1-800-669-4000

**Taxation**  
RI Division of Taxation  
401-574-8922

**Internal Revenue Service**  
1-800-829-1040

**Wage & Hour (Federal)**  
U.S. Department of Labor  
401-490-2370

**Licenses/Exams**  
RI Dept. of Health  
401-222-2828

This publication is a guide for Wage and Workplace Laws in Rhode Island.  
For detailed information, please contact DLT's Labor Standards (Wage and Hour) Unit  
at (401) 462-8550 or visit the website at [www.dlt.ri.gov/regulation-and-safety/labor-standards](http://www.dlt.ri.gov/regulation-and-safety/labor-standards).



**Joseph R. Degnan**

Assistant Director Workforce Regulation and Safety Division

Labor Standards (Wage and Hour) Unit

1511 Pontiac Avenue • Cranston, RI 02920

Telephone: (401) 462-8550 | Fax: (401) 462-8530

[www.dlt.ri.gov/regulation-and-safety/labor-standards](http://www.dlt.ri.gov/regulation-and-safety/labor-standards).