

Minimum Wage

Department of Labor and Training (DLT)

Attention Employees - MINIMUM WAGE - Rhode Island

Effective OCTOBER 1, 2020 - THIS LAW PROVIDES
HOURLY MINIMUM WAGE FOR ALL EMPLOYEES

EXCEPT: Full-time students under 19 years of age working in a non-profit religious, educational, librarial or community services organization.

Minors 14 and 15 years of age working not more than 24 hours in a week

Employees receiving gratuities (as of Jan. 1, 2017):

\$11.50

\$10.35
(90% of Minimum Wage)

\$8.63
(75% of Minimum Wage)

\$3.89

Overtime Pay - At least 1½ times the regular rate of pay for all hours worked over 40 in any one workweek. The law contains exemptions from minimum wage and/or overtime pay requirements for certain occupations or establishments.

Learners and handicapped workers may be paid less than the applicable minimum but only under certificates issued at the discretion of the DLT Director.

Mandatory Nurse Overtime - a hospital may not require certain nurses and certified nurse assistants to work overtime except in an unforeseeable emergency.

Minimum Shift Hours - Employees requested or permitted to report for duty at the beginning of a work shift must be provided with 3 hours work or 3 hours wages. Retail establishment employees must be provided with 4 hours work on Sundays and Holidays.

Child Labor - Employees must be at least 16 years old to work in most nonfarm jobs and 18 to work in nonfarm jobs declared hazardous by the U.S. Secretary of Labor. Youths 14 and 15 may work, with a special permit issued by local school officials, in various jobs outside school hours under certain conditions. Different rules apply to agriculture employment.

Enforcement - DLT may bring criminal action against any employer who pays substandard wages to an employee, and may seek, upon conviction, a penalty up to \$500 and/or imprisonment of up to 90 days. Each week an employer fails to pay the applicable minimum wage constitutes a separate violation.

Any employer who hinders or delays the DLT Director or authorized representative in the performance of duties in the enforcement of the law, refuses to admit the Director or said representative to any place of employment; fails to make, keep, and preserve, any records as required; falsifies any such record; refuses to make such record accessible to the Director or said representative upon demand; or refuses to furnish a sworn statement of such record or any other information needed for the proper enforcement of this law, shall be deemed in violation and subject to a fine of up to \$500. Each day such violation occurs constitutes a separate offense.

Visit www.dlt.ri.gov/lis or call (401) 462-WAGE (9243) for more information.

DLT-L-58

REV. 01/2019

NOTICE: This state has its own minimum wage law. Employers are also required to display the Federal Employee Rights Under the Fair Labor Standards Act posting, which indicates the federal minimum wage. Where federal and state rates both apply to an employee, the U.S. Department of Labor dictates that the employee is entitled to the higher minimum wage rate.

THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

Unemployment

Department of Labor and Training (DLT)

You Are Protected under Provisions of the RI EMPLOYMENT SECURITY ACT and the TEMPORARY DISABILITY INSURANCE ACT

UNEMPLOYMENT INSURANCE BENEFITS

If you become totally/partially unemployed:

- File your claim for benefits with the DLT the same week you are unemployed or working reduced hours.
- File your claim online at www.dlt.ri.gov/ui or by telephone at (401) 243-9100. Visit www.dlt.ri.gov/ui for hours of operation. For more information, visit www.dlt.ri.gov/ui or call (401) 243-9100.
- Monday is a high-volume telephone day; you may prefer to file your claim later in the week. You will need your Social Security number and name, address and telephone numbers of your employers for the last two years. If you are not a U.S. citizen, your alien registration number is required.
- To collect unemployment benefits, the law requires that you must:
 - Be unemployed through no fault of your own,
 - Have earned minimum qualifying wages while you were working,
 - Be physically able to work, available for work, and actively seeking work, and
 - Register for work with DLT.

TEMPORARY DISABILITY INSURANCE BENEFITS

Eligible for TDI Benefits - If you have become ill or injured and meet all of the requirements, you may be entitled to receive benefits:

- You are unemployed due to illness, surgery, or injury for a minimum of seven consecutive days or more, and
- You are under the care of an approved Qualified Health Care Provider and
- You have a timely exam: an in-office physical exam the week within the calendar week in which the first day of unemployment due to sickness occurs or within the calendar week prior or subsequent thereto.
- You earned enough qualifying wages during the base period to be monetarily eligible.

Eligible for Temporary Caregiver Insurance Benefits - If you are caring for a seriously ill: child, spouse, parent, parent-in-law, grandparent, domestic partner or you are bonding with a newborn child, adopted child or foster child within the first 12 months of parenting; you may be eligible to receive benefits if you meet the following requirements:

- You are unemployed because you are caring for a seriously ill family member or bonding with a child and

- You provide the department with the required medical evidence of the seriously ill family member and you need to care for him/her or the required proof of parent child relationship for bonding claims and
- You earned enough in qualifying wages to be monetarily eligible.

To Apply - Complete a TDI/TCI application. TDI claims must be filed within 90 days of the first week out of work due to illness. The DLT Director may extend this period up to 26 weeks if the individual can show a good medical reason for the delay in filing. TCI claims must be filed within 30 days after the first day of leave is taken for reasons of bonding or caregiving. TDI/TCI application may be obtained online at www.dlt.ri.gov/tci, or call (401) 462-8420, Option #1 to request an application be mailed to you. For more information, visit www.dlt.ri.gov/tci or call (401) 462-8420.

NOTE: You may be entitled to a refund of a portion of your contributions if during the calendar year TDI contributions were deducted from your pay by more than one employer. Information may be obtained regarding a refund by calling (401) 574-8700 or writing to the RI Division of Taxation, Employer Tax Section, One Capitol Hill, Suite 36, Providence, RI 02908-5829.

EMPLOYMENT AND TRAINING SERVICES

If you need help finding a job, DLT offers free employment and training related services including:

- Job referral and placement services.
- Resource rooms with a wide range of employment and training resources.
- Career counseling and testing to help assess aptitudes and interests.
- Internet access for employment and training information.
- Job Search workshops to help you develop interviewing skills.
- Résumé writing seminars to help you create an effective résumé and cover letter.

Visit www.networkri.org to find a career center near you

Visit www.networkri.org for a location near you. You can access many services online at www.employri.org.

DLT-TX-6

REV. 01/2019

Whistleblowers

CHAPTER 28-50

The Rhode Island Whistleblowers' Protection Act

§ 28-50-1 Short title. - This chapter may be cited as the "Rhode Island Whistleblowers' Protection Act".

§ 28-50-2 Definitions. - As used in this chapter:

- "Employee" means a person employed by any employer, and shall include, but not be limited to, at-will employees, contract employees and independent contractors.
- "Employer" means any person, partnership, association, sole proprietorship, corporation or other business entity, including any department, agency, commission, committee, board, council, bureau, or authority or any subdivision thereof in state or municipal government. One shall employ another if services are performed for wages or under any contract of hire, written or oral, express or implied.
- "Person" means an individual, sole proprietorship, partnership, corporation, association, or any other legal entity.
- "Public body" means all of the following:
 - A state officer, employee, agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of state government.
 - An agency, board, commission, council, member, or employee of the legislative branch of state government.
 - A county, city, town, or regional governing body, a council, school district, or a board, department, commission, agency, or any member or employee of the entity.
 - Any other body which is created by state or local authority or which is primarily funded by or through state or local authority, or any member or employee of that body.
 - A law enforcement agency or any member or employee of a law enforcement agency.
 - The judiciary and any member or employee of the judiciary.
 - Any federal agency.

(5) "Supervisor" means any individual to whom an employer has given the authority to direct and control the work performance of the affected employee or any individual who has the authority to take corrective action regarding the violation of a law, rule or regulation about which the employee complains.

§ 28-50-3 Protection. - An employer shall not discharge, threaten, or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment:

- Because the employee, or a person acting on behalf of the employee, reports or is about to report to a public body, verbally or in writing, a violation which the employee knows or reasonably believes has occurred or is about to occur, of a law or regulation or rule promulgated under the law of this state, a political subdivision of this state, or the United States, unless the employee knows or has reason to know that the report is false, or
- Because an employee is requested by a public body to participate in an investigation, hearing, or inquiry held by that public body, or a court action, or
- Because an employee refuses to violate or assist in violating federal, state or local law, rule or regulation, or
- Because the employee reports verbally or in writing to the employer or to the employee's supervisor a violation, which the employee knows or reasonably believes has occurred or is about to occur, of a law or regulation or rule promulgated under the laws of this state, a political subdivision of this state, or the United States, unless the employee knows or has reason to know that the report is false. Provided, that if the report is verbally made, the employee must establish by clear and convincing evidence that the report was made.

§ 28-50-4 Relief and damages. - (a) A person who alleges a violation of this act may bring a civil action for appropriate injunctive relief, or actual damages, or both within three (3) years after the occurrence of the alleged violation of this chapter.

(b) An action commenced pursuant to subsection (a) of this section may be brought in the superior court for the county where the alleged violation occurred, the county where the complainant resides, or the county where the person against whom the civil complaint is filed resides or has their principal place of business.

(c) As used in subsection (a) of this section, "damages" means damages for injury or loss caused by each violation of this chapter.

(d) [Deleted by P.L. 2012, ch. 306, § 5 and P.L. 2012, ch. 344, § 5.]

§ 28-50-5 Reinstatement. - A court, in rendering a judgment in an action brought under this act, shall order, as the court considers appropriate, reinstatement of the employee, the payment of back wages, full reinstatement of fringe benefits and seniority rights, actual damages, or any combination of these remedies. A court may also award the complainant all or a portion of the costs of litigation, including attorneys' fees if the court determines that the award is appropriate.

§ 28-50-6 Collective bargaining. - This chapter shall not be construed to diminish or impair the rights of a person under any collective bargaining agreement.

§ 28-50-7 Exemption. - This chapter shall not be construed to require an employer to compensate an employee for participation in an investigation, hearing or inquiry held by a public body in accordance with § 28-50-3.

§ 28-50-8 Notices posted. - An employer shall post notices and use other appropriate means to keep his or her employees informed of their protections and obligations under this chapter.

§ 28-50-9 Severability. - If any provision of this chapter or its application to any person or circumstances is held invalid or unconstitutional, the invalidity or unconstitutionality shall not affect other provisions or applications of this act which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this chapter are declared to be severable.

Commission for Human Rights

Discrimination is Illegal

State and Federal laws prohibit harassment and discrimination in hiring, terms and conditions, promotion, discharge, salary, benefits, and other aspects of employment based on race, color, religion, ancestral origin, sex, sexual orientation*, gender identity or expression**, physical or mental disability or age (over 40).

*State only
State law also prohibits employers from asking applicants about arrest records, and makes it unlawful to ask about convictions until at or after a first interview (with certain exceptions).

You have the **right to a workplace free of harassment and discrimination.**

Report incidents of harassment and discrimination to the Commission for Human Rights and the company representative named below:

NAME: _____
TITLE: _____
LOCATION: _____
PHONE: _____
EMAIL: _____

RHODE ISLAND
COMMISSION FOR HUMAN RIGHTS
180 WESTMINSTER STREET
THIRD FLOOR
PROVIDENCE, RI 02903
401-222-2661
TDD: 401-222-2664
www.richr.ri.gov

WE ARE AN EQUAL OPPORTUNITY EMPLOYER

Leave

Department of Labor and Training (DLT) RHODE ISLAND PARENTAL AND FAMILY MEDICAL LEAVE ACT

Employers with 50 or more employees must grant an unpaid leave of absence upon the request of an eligible employee, for 13 consecutive weeks in any two calendar years, under certain conditions.

Employees are Eligible to apply for leave if they work full-time, an average of 30 hours or more per week and have been employed continuously for at least 12 months.

Purpose of Leave - Under the Act, the leave must be for one or more of the following reasons:

- Birth of a child of an employee.
- Placement of a child 16 years of age or less with an employee in connection with the adoption of such child by the employee.
- "Serious illness" of the employee or the employee's parent, spouse, child, mother-in-law, or father-in-law. (Serious illness is defined to mean a disabling physical or mental illness, injury, impairment or condition that involves in-patient care in a hospital, nursing home, hospice or out-patient care requiring continuing treatment or supervision by a health care provider).

Requests for Leave - To be entitled to the leave, the employee must give at least 30 days notice of the intended date upon which the requested leave is to begin and end, unless prevented by medical emergency from doing so. Employees may be requested to provide written certification from the physician of the person who is the reason for the leave request, which certification shall specify the probable duration of the requested leave.

School Involvement Leave - An employee who has been employed for 12 consecutive months is entitled to 10 hours of leave during any 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. A notice of 24 hours prior to the leave must be given to the employer by the employee. The leave is not required to be paid; however, an employee may substitute any accrued paid vacation leave or other appropriate paid leave.

Use of Sick Leave by Adoptive Parent - Any employer who allows sick time or sick leave of an employee to be used after the birth of a child shall allow the same time to be used for the placement of a child 16 years of age or less with an employee in connection with the adoption of the child by the employee.

Continuation of Health Benefits - Prior to the commencement of leave, the employee must pay his employer a sum equal to the premium required to maintain the employee's health benefits in force during the period of leave, which sum is required to be returned to the employee within 10 days following return to work.

Return from Leave - Employees who are granted leave under the Act are entitled to be restored 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, including all fringe benefits and service credits that the employee had been entitled to at the commencement of the leave.

Prohibited Acts - It is unlawful for any employer to interface with, restrain or deny employees the rights provided under the Act. Any discrimination 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 also prohibited.

Enforcement - Alleged violations of the Act may be complained of (1) in a civil action brought by an employee, (2) by a complaint filed with the DLT Director. Civil penalties are provided for violations of the Act or any order issued by the Director of Labor and Training.

REV. 01/2018

Sick and Safe Leave

Department of Labor and Training (DLT) HEALTHY AND SAFE FAMILIES AND WORKPLACES ACT

Pursuant to RI General Law §28-57, you are entitled to sick and safe leave to address your own health and safety needs as well as those of your family. This leave may or may not be paid depending on the size of your employer and other factors as detailed in the law.

Visit www.dlt.ri.gov/wrs or call (401) 462-WAGE (9243) for more information.

REV. 01/2018

Workers' Comp.

Department of Labor and Training (DLT) WORKERS' COMPENSATION ACT of the State of Rhode Island

WORKERS' COMPENSATION INSURANCE COMPANY: _____

ADJUSTING COMPANY: _____

TELEPHONE: _____ **POLICY EFFECTIVE DATE:** _____

In accordance with RI General Law §28-32-1, employers must report to the DLT Director every personal injury sustained by an employee if the injury incapacitates the employee from earning full wages for at least 3 days or requires medical treatment, regardless of the period

of incapacity. If the injury proves fatal, the report must be filed within 48 hours. If not fatal, the report shall be made within 10 days of the injury.

An injured employee shall have freedom to choose medical treatment initially. The employee's first visit to any facility under contract or agreement with the employer or insurer to provide priority care shall not be considered the employee's initial choice. For more information, call the Education Unit at (401) 462-8100, press #1. If you suspect fraud, contact the Fraud Prevention Unit at (401) 462-8100, press #7.

DWC-8

REV. 01/2018

Ban-the-Box

Department of Labor and Training (DLT) BAN-THE-BOX

Pursuant to RI General Law §28-6.14-1, it is unlawful for an employer to include on a job application any questions regarding whether an applicant has ever been arrested, charged with or convicted of any crime. Limited exceptions exist for law enforcement agencies and related positions. Employers in violation of this law may be fined between \$100-\$500 per offense. Visit www.dlt.ri.gov/lis or call (401) 462-WAGE (9243) for more information.

REV. 01/2018

Right to Know

Department of Labor and Training (DLT) RHODE ISLAND RIGHT-TO-KNOW

Ignoring This Poster Can Be Hazardous To Your Health

Under the RI Right-To-Know Law, your employer must tell you about the dangers of any hazardous substances in your workplace. You have a right to know:

- the common name or trade names of the substance, including the chemical name;
- the level at which exposure to the substance is hazardous, if known;
- the effects and symptoms of exposure at hazardous levels;
- the potential for flammability, explosion, and reactivity of the substance;
- appropriate emergency treatment;
- proper procedures for the safe use of and exposure to the substance;
- proper protective equipment for safe use; and
- procedures for clean-up of leaks and spills.

Your employer must provide you with the above information. If he or she has not, make sure you ask about it. Your company representative is:

The Right-To-Know Law was created to protect you. Visit <http://www.dlt.ri.gov/occsafe> or call (401)462-8570, option #4 for more information.

"Because not knowing about the hazardous substances you work with is the greatest hazard of all!"
DLT-L-47 The RI Right-To-Know Law

REV. 01/2018

Pregnancy Discrimination

Commission for Human Rights NOTICE OF RIGHT TO BE FREE FROM DISCRIMINATION BECAUSE OF PREGNANCY, CHILDBIRTH AND RELATED CONDITIONS

State law protects employees and applicants from discrimination based on pregnancy, childbirth and related conditions. Federal law provides similar protections.

Employees and applicants have the right under state law to request a reasonable accommodation for conditions related to pregnancy, childbirth and related conditions such as the need to express breast milk for a nursing child. This workplace may not:

- refuse to grant you the reasonable accommodation unless it would create an undue hardship on this employer's enterprise, business or program;
- require you to take a leave if another reasonable accommodation can be granted; or
- deny you employment opportunities based on a refusal to provide a reasonable accommodation.

If you want to request a reasonable accommodation, or if you have been discriminated against based on pregnancy, childbirth or related condition, please contact one of the following staff members:

NAME	NAME
PHONE NUMBER	PHONE NUMBER
EMAIL ADDRESS	EMAIL ADDRESS
ADDRESS	ADDRESS

If you have been the victim of discrimination based on pregnancy, childbirth or related conditions and/or denial of a reasonable accommodation, contact:

RHODE ISLAND COMMISSION FOR HUMAN RIGHTS
180 WESTMINSTER STREET, 3RD FLOOR
PROVIDENCE, RI 02903
401-222-2661
TTY: 401-222-2664
www.richr.ri.gov

RICHR

REV. 07/2015

Sexual Harassment

Commission for Human Rights Sexual Harassment is Against the Law

Sexual harassment is a form of discrimination that occurs when an individual makes unwelcome sexual advances, requests for sexual favors and/or other verbal or physical conduct of a sexual nature against his or her wishes.

- The harasser can be
- a supervisor
 - an agent of the employer
 - a supervisor in another area
 - a co-worker
 - a non-employee
 - the same sex as the victim

Sexual harassment occurs when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

Sexual harassment is a violation of state and federal laws. The prohibition against sexual harassment does not only apply to employers. It also applies to labor organizations, employment agencies, and to individuals who aid and abet an unlawful employment practice.

Report incidents of harassment to:

NAME: _____
ADDRESS: _____
PHONE: _____
E-MAIL: _____

If you believe you are or have been the victim of sexual harassment, contact:

RHODE ISLAND COMMISSION FOR HUMAN RIGHTS
180 WESTMINSTER STREET, THIRD FLOOR
PROVIDENCE, RI 02903
401-222-2661
TDD: 401-222-2664
FAX: 401-222-2616
www.richr.ri.gov

