

2017 -- H 5932 SUBSTITUTE A

LC002015/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO LABOR AND LABOR RELATIONS - PAYMENT OF WAGES

Introduced By: Representatives Craven, and McEntee

Date Introduced: March 16, 2017

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-14-24 of the General Laws in Chapter 28-14 entitled "Payment
2 of Wages" is hereby amended to read as follows:

3 **28-14-24. Set-off of money owed by employee to employer.**

4 (a) No employer shall make any deductions from an employee's wages except for those
5 deductions authorized or required by federal or state law, or expressly authorized in writing by
6 the employee. A deduction shall be authorized by the employee if agreed to in a collective
7 bargaining agreement between the representative of the employee and the employer or by a
8 written agreement between the employer and the employee that is express, written, voluntary, and
9 informed. An authorization is informed when the employee is provided with written notice of all
10 terms and conditions of the deduction and the details of the manner in which deductions shall be
11 made.

12 (b) Notwithstanding the provisions of §28-14-24(a), an employer shall not deduct from
13 an employee's wage:

14 (1) Any amount for spoilage or breakage;

15 (2) Any amount for shortages or losses; or

16 (3) Fines or penalties for tardiness, misconduct, or quitting by an employee without
17 notice.

18 (c) In any action for unpaid wages brought under the provisions of this chapter, the
19 employer-debtor shall not deduct as a set-off or counterclaim:

1 (1) Any money allegedly due the employer as compensation for damages caused to the
2 employer's property by the negligence of the employee;

3 (2) Any money allegedly due the employer as rent; or

4 (3) Any money allegedly owed to the employer by the employee;

5 ~~(b)~~(d) Provided, that any employer granting his employee a loan or advance against
6 future earnings or wages may deduct the loan as a set-off or counterclaim if evidenced by a
7 statement in writing signed by the employee. Nothing in this section shall be construed to limit or
8 restrict in any way any rights which the employer now has to recover, by a separate legal action,
9 any money owed the employer by the employee.

10 (e) Any employee or former employee aggrieved by a violation of this section shall be
11 entitled to the same rights and protections as provided for in §28-14-19.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would prohibit employers from making deductions from an employee's wages
2 except for those deductions authorized or required by law, or as expressly authorized in writing
3 by the employee. This act would authorize deductions to be authorized by a collective bargaining
4 agreement.

5 This act would take effect upon passage.

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