

2018 -- S 2453

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LC004522
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS - EMPLOYMENT SECURITY -
BENEFITS

Introduced By: Senators Lombardi, McCaffrey, Lynch Prata, Ciccone, and
Archambault

Date Introduced: February 15, 2018

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-44-57 of the General Laws in Chapter 28-44 entitled
2 "Employment Security - Benefits" is hereby amended to read as follows:

3 **28-44-57. Fees and costs chargeable.**

4 (a) No individual claiming benefits shall be charged fees of any kind by the director or
5 his or her representative, or by the board of review or its representatives, in any proceeding under
6 chapters 42 -- 44 of this title. Any individual claiming benefits in any proceeding or court action
7 may be represented by counsel or other duly authorized agent. The director shall have the
8 authority to fix the fees of that counsel or other duly authorized agent, but no counsel or agent
9 shall together be allowed to charge or receive for those services more than ten percent (10%) of
10 the maximum benefits at issue in that proceeding or court action but not less than fifty dollars
11 (\$50.00) except as specifically allowed by the superior court.

12 (b) In any case in which either an employer appeals from a determination in favor of the
13 claimant or a claimant successfully appeals a decision unfavorable to the claimant to an appeals
14 body other than a court of law and the claimant retains an attorney-at-law to represent him or her,
15 the attorney shall be entitled to a counsel fee of ten percent (10%) of the amount of benefits at
16 issue before the appeals body but not less than ~~fifty dollars (\$50.00)~~ two hundred fifty dollars
17 (\$250), which shall be paid by the director out of the employment security administrative funds,
18 within thirty (30) days of the date of his or her appearance.

1 (c) (1) An attorney-at-law who represents an individual claiming benefits on an appeal to
2 the courts shall be entitled to counsel fees upon final disposition of the case and necessary court
3 costs and printing disbursements as fixed by the court.

4 (2) The director shall pay those counsel fees, costs, and disbursements, out of the
5 employment security administrative funds in each of the following cases:

6 (i) Any court appeal taken by a party other than the claimant from an administrative or
7 judicial decision favorable in whole or in part to the claimant;

8 (ii) Any court appeal by a claimant from a decision denying or reducing benefits awarded
9 under a prior administrative or judicial decision;

10 (iii) Any court appeal as a result of which the claimant is awarded benefits.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO LABOR AND LABOR RELATIONS - EMPLOYMENT SECURITY -
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1 This act would raise from fifty dollars (\$50.00) to two hundred fifty dollars (\$250), the
2 minimum attorneys' fee awarded to claimants in an unemployment compensation matter when an
3 employer appeals a decision favorable to the claimant or when a claimant successfully appeals an
4 adverse decision.

5 This act would take effect upon passage.

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