

2018 -- S 2638 SUBSTITUTE A

LC005095/SUB A/2

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO LABOR AND LABOR RELATIONS - EQUAL PAY DATA COLLECTION  
AND REPORTING

Introduced By: Senators Goodwin, and Goldin

Date Introduced: March 15, 2018

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 28 of the General Laws entitled "LABOR AND LABOR  
2 RELATIONS" is hereby amended by adding thereto the following chapter:

3 CHAPTER 5.2

4 EQUAL PAY DATA COLLECTION AND REPORTING

5 **28-5.2-1. Definitions.**

6 As used in this chapter, the following words and terms shall have the following  
7 meanings:

8 (1) "Compensation" means an employee's total W-2 earnings for a twelve (12) month  
9 period and includes the hourly wage or annual salary for employees.

10 (2) "Department" means the department of labor and training.

11 (3) "Employee" means a permanent full or part-time employee, including apprentices and  
12 on-the-job trainees.

13 (4) "Employer" means an employer, including state contractors and subcontractors, with  
14 one hundred (100) or more employees in Rhode Island.

15 (5) "Establishment of the employer" means the physical address at which an employer  
16 does business.

17 (6) "Job category" means the job categories used on the federal Equal Employment  
18 Opportunity Commission's (EEOC) EEO-1 forms.

1           **28-5.2-2. Equal pay data collection and reporting requirements.**

2           (a) Pursuant to § 28-42-38 every employer that has one hundred (100) employees or more  
3 shall provide a report each year to the department, in a form issued by the department, which  
4 report shall contain information regarding the compensation and hours worked of employees by  
5 age, gender, race, ethnicity, job category and occupation or title. The department may establish a  
6 standard presumption for the number of hours worked by a full-time employee or by a part-time  
7 employee for whom an employer does not track actual hours worked. Provided, further, an  
8 employer shall provide a report pursuant to this section that includes data from each Rhode Island  
9 establishment of the employer.

10           (b) An employer shall retain at all times, a copy of the most recent report filed and shall  
11 make the report available if requested by an officer, agent, or employee of the department.

12           (c) Any employer failing or refusing to file a report when required to do so may be  
13 compelled to file by order of a court of competent jurisdiction, upon application of the  
14 department.

15           (d) The department shall develop procedures for using and comparing data from reports  
16 in an industry or geographic area to guide enforcement priorities.

17           (e) The department shall annually publish aggregate data compiled from the reports,  
18 including, but not limited to, state, regional, and industry pay disparities by occupational  
19 category.

20           (f) The department is authorized to promulgate rules and regulations regarding the  
21 content and the timely and proper filing of reports pursuant to this chapter.

22           SECTION 2. This act shall take effect on January 1, 2019.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

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1           This act would require an employer of one hundred (100) or more employees to annually  
2 report information regarding the compensation and hours worked of employees by age, gender,  
3 race, ethnicity, job category and occupation or title to the department of labor and training (DLT).

4           This act would take effect on January 1, 2019.

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