

2019 -- S 0910

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- EMPLOYMENT SECURITY--
BENEFITS

Introduced By: Senators Pearson, McCaffrey, Goodwin, and Gallo

Date Introduced: May 22, 2019

Referred To: Senate Labor

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 two hundred fifty dollars (\$250), which shall be~~
17 ~~paid by the director out of the employment security administrative funds, within thirty (30) days~~
18 ~~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--
BENEFITS

1 This act would eliminate the provision requiring payment of attorney fees from the
2 employment security administrative fund for successful representation of a claimant for
3 employment security (unemployment) benefits.

4 This act would take effect upon passage.

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