

2022 -- S 2408

LC004343

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- PAYMENT OF WAGES

Introduced By: Senators McCaffrey, Ciccone, Lawson, F Lombardi, Acosta, Murray, and Burke

Date Introduced: February 15, 2022

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-14-17 of the General Laws in Chapter 28-14 entitled "Payment of
2 Wages" is hereby amended to read as follows:

3 **28-14-17. Penalty for violations.**

4 (a) Any employer who violates or fails to comply with any of the provisions of this chapter
5 shall be guilty of a misdemeanor, or in cases of nonpayment of wages, if the value of the wages
6 due to an employee is less than one thousand five hundred dollars (\$1,500) or in instances of a
7 violation of § 28-14-19.1, and upon conviction of the misdemeanor, the employer shall be punished
8 by a fine of not less than four hundred dollars (\$400) for each separate offense, or by imprisonment
9 of up to one year, or by both fine and imprisonment. Each day of failure to pay wages due an
10 employee at the time specified in this chapter shall constitute a separate and distinct violation.

11 (b) Any employer who violates or fails to comply with any of the provisions of this chapter,
12 shall be guilty of a felony, if the value of the wages due to an employee is one thousand five hundred
13 dollars (\$1,500) or more. Any employer who violates § 28-14-19.1, would also be guilty of a felony,
14 if the violation was a knowing violation or a second or subsequent violation of § 28-14-19.1. Upon
15 a plea or conviction to a felony, the employer shall be subject to the following penalties:

16 (1) If the value of the wages is between one thousand five hundred dollars (\$1,500) and
17 five thousand dollars (\$5,000) or in instances of a first offense of a knowing violation of § 28-14-
18 19.1, by imprisonment for not more than three (3) years or by a fine of not more than twice the
19 value of the wages or ten thousand dollars (\$10,000), whichever is greater, or both;

1 (2) If the value of the wages exceeds five thousand dollars (\$5,000) or in instances of a
2 second or subsequent offense of a knowing violation of § 28-14-19.1, by imprisonment for not
3 more than five (5) years or a fine of not more than three (3) times the value of the wages or twenty
4 thousand dollars (\$20,000), whichever is greater, or both.

5 ~~(b)~~(c) Any employer found guilty of violations of this chapter who does not pay wages and
6 fines within thirty (30) days of a final decision and after notification by the department of labor and
7 training, may have his, her or its business license revoked by the state of Rhode Island until he, she
8 or it pays such wages and fines in full or enters into a payment agreement with which he, she or it
9 stays in compliance.

10 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 increase the criminal penalties for wage theft and employee
2 misclassifications.

3 This act would take effect upon passage.

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