

1 ARTICLE 8 AS AMENDED

2 RELATING TO UNDERGROUND ECONOMY AND EMPLOYEE MISCLASSIFICATION 3 ACT

4 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND
5 GOVERNMENT" is hereby amended by adding thereto the following chapter:

6 CHAPTER 156

7 UNDERGROUND ECONOMY AND EMPLOYEE MISCLASSIFICATION ACT

8 **42-156-1. Short Title.** -- This chapter shall be known as the "Underground Economy and
9 Employee Misclassification Act".

10 **42-156-2. Declaration of purpose.** -- The general assembly finds and declares that this
11 state's economy, its workers and its businesses are harmed by the existence of an illegal
12 underground economy in which individuals and businesses conceal their activities from
13 government licensing, regulatory and taxing authorities. The underground economy and, in
14 particular, the practice of employee misclassification:

- 15 (a) exploits vulnerable workers and deprives them of legal benefits and protections;
- 16 (b) gives unlawful businesses an unfair competitive advantage over lawful businesses by
17 illegally driving down violators' taxes, wages, and other overhead costs;
- 18 (c) defrauds the government of substantial tax revenues; and
- 19 (d) harms consumers who suffer at the hands of unlicensed businesses that fail to
20 maintain minimum levels of skills and knowledge.

21 The creation of a task force has proven to be an effective mechanism for enhancing
22 interagency cooperation and information sharing.

23 **42-156-3. Task Force.**-- There is hereby established a Task Force on the Underground
24 Economy and Employee Misclassification. The Task Force shall consist of the following
25 members or their designees:

- 26 (a) the director of labor and training or designee;
- 27 (b) the tax administrator or designee;
- 28 (c) the director of business regulation or designee;
- 29 (d) the head of the workforce regulation and safety division or designee;
- 30 (e) the attorney general or designee;

1 (f) the commissioner of the department of public safety or designee; and

2 (g) Chief Judge of the Workers' Compensation Court or designee.

3 The director of labor and training shall chair the Task Force.

4 **42-156-4. Duties and Responsibilities.** -- The Task Force shall coordinate joint efforts to

5 combat the underground economy and employee misclassification. The Task Force shall:

6 (a) Foster voluntary compliance with the law by educating business owners and
7 employees about applicable requirements;

8 (b) Protect the health, safety and benefit rights of workers; and

9 (c) Restore competitive equality for law-abiding businesses.

10 **42-156-5. Sharing of Information.** -- Notwithstanding any other law or regulation to the

11 contrary, the Task Force shall facilitate timely information sharing between and among Task

12 Force members, including the establishment of protocols by which participating agencies will

13 advise or refer to other agencies matters of potential interest.

14 **44-156-6. Annual Report.**-- No later than March 15, 2015 and every March 15th

15 thereafter, the Task Force shall submit a report to the governor and the chairpersons of the house

16 finance committee and senate finance committee summarizing the Task Force's activities during

17 the preceding calendar year. The report shall, without limitation:

18 (a) Describe the Task Force's efforts and accomplishments during the year;

19 (b) Identify any administrative or legal barriers impeding the more effective operation of

20 the Task Force, including any barriers to information sharing or joint action; and

21 (c) Propose appropriate administrative, legislative, or regulatory changes to strengthen

22 the Task Force's operations and reduce or eliminate any barriers to those efforts.

23 SECTION 2. The article shall take effect upon passage.