

2023 -- H 5181

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- MINIMUM WAGES

Introduced By: Representatives Sanchez, Morales, Stewart, Giraldo, Vella-Wilkinson,  
Potter, Batista, Henries, Caldwell, and Slater

Date Introduced: January 19, 2023

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-12-3.1 of the General Laws in Chapter 28-12 entitled "Minimum  
2 Wages" is hereby repealed.

3 ~~**28-12-3.1. Wages for minors.**~~

4 ~~Every minor, fourteen (14) and fifteen (15) years of age shall be paid at a rate of not less  
5 than seventy-five percent (75%) of the minimum wages as specified in § 28-12-3; provided, every  
6 minor who works in excess of twenty-four (24) hours in any week shall be paid for all hours worked  
7 in that week at the hourly rate provided by § 28-12-3 or § 28-12-5(e).~~

8 SECTION 2. Section 28-12-5 of the General Laws in Chapter 28-12 entitled "Minimum  
9 Wages" is hereby amended to read as follows:

10 **28-12-5. Employees receiving gratuities.**

11 (a) Every employer shall pay to each of the employer's employees who are engaged in any  
12 work or employment in which gratuities have customarily and usually constituted a part of his or  
13 her weekly income, the rate as provided by §§ 28-12-3 and 28-12-3.1.

14 (b) Allowance for gratuities as part of the hourly wage rate for restaurants, hotels, and other  
15 industries, except taxicabs and limited public motor vehicles, shall be an amount equal to the  
16 applicable minimum rates as provided by §§ 28-12-3 and 28-12-3.1 less two dollars and eighty-  
17 nine cents (\$2.89) per hour. "Gratuities" means voluntary monetary compensation received directly  
18 or indirectly by the employee for services rendered.

19 (c) Each employer desiring to deduct for gratuities as part of the minimum rates as provided

1 in §§ 28-12-3 and 28-12-3.1 wages paid to an employee shall provide substantial evidence that the  
2 amount shall be as set out in the formula in subsection (b) of this section; however, the cash wage  
3 shall not be less than two dollars and eighty-nine cents (\$2.89) per hour; provided, however, that  
4 commencing January 1, 2016, the cash wage shall increase by fifty cents (\$.50) to an amount not  
5 less than three dollars and thirty-nine cents (\$3.39) per hour; provided further, that commencing  
6 January 1, 2017, the cash wage shall increase by fifty cents (\$.50) to an amount not less than three  
7 dollars and eighty-nine cents (\$3.89) per hour.

8 (d) The director of labor and training shall notify employers concerning what type of proof  
9 shall be accepted as substantial evidence for the purpose of this subsection. Employees involved  
10 shall be entitled to a hearing on the question of the amount of deduction if they so desire.

11 (e) In cases where wages are figured by the employer on an incentive basis in such a manner  
12 that an employee of reasonable average ability earns at least the minimum wage established by §§  
13 28-12-3 and 28-12-3.1, it shall be taken that the employer has complied with this statute. It shall be  
14 of no concern to the director of labor and training how the employer arrives at its wage scale so  
15 long as it is not unreasonable in its demands on the employee.

16 ~~(f) Where, in the case of the employment of a full-time student who has not attained his or~~  
17 ~~her nineteenth (19th) birthday engaged in the activities of a nonprofit association or corporation,~~  
18 ~~whose aims and objectives are religious, educational, librarial, or community service in nature, the~~  
19 ~~employer-employee relationship does exist, the employer shall pay to each such employee wages~~  
20 ~~at a rate of not less than ninety percent (90%) of the minimum wage as specified in § 28-12-3. In~~  
21 ~~case of any conflict between provisions of this section and those of § 28-12-3.1, the provisions of~~  
22 ~~§ 28-12-3.1 shall govern.~~

23 SECTION 3. 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 repeal the law that allowed employers to pay some of their minor employees  
2 and employees who are full-time students and not attained the age of nineteen (19) less than  
3 minimum hourly wages. The result of this repeal would require that all minors and all full-time  
4 students be paid the minimum hourly wage.

5           This act would take effect upon passage.

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