

RHODE ISLAND — State Laws by Topic

➤ AGE ◀

Under the Rhode Island Fair Employment Practices Act, employers are prohibited from refusing to hire, terminating, or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on age.

In addition, employers cannot:

- elicit or attempt to elicit any information, make/keep a record of, or use any form or employment application containing questions or entries based on age;
- print, publish, or cause to be printed or published an employment notice or advertisement indicating a preference, limitation, specification, or discrimination based on age; or
- establish, announce, or follow a policy of denying or limiting, through a quota system or otherwise, employment opportunities based on age.

For purposes of the Act, age is defined as at least 40 years of age, and an employer is defined as any person in Rhode Island employing four or more individuals, as well as any agent of such an employer.

➤ AIDS ◀

Discrimination: Employers are expressly prohibited from discriminating against employees and job applicants on the basis of an actual or perceived positive AIDS test result.

Testing: Informed, written consent must be obtained before an individual is tested for AIDS. In addition, employers may not require an AIDS test as a condition of employment, unless there is a clear and present danger of the infected individual transmitting AIDS to others.

➤ ARRESTS/CONVICTIONS ◀

Arrests: According to the Rhode Island Pre-Employment Inquiry Guidelines, it is unlawful for an employer to inquire, either orally or in writing, into whether an applicant has ever been arrested or charged with a crime.

Convictions: Employers with at least four employees are prohibited from inquiring, either on a written job application or orally, into whether a job candidate has been arrested, charged, or convicted of any crime. Inquiries into a job candidate's conviction record may be made after determining that the job applicant is a finalist for the job (i.e., at the first interview) or after a conditional offer of employment has been made. *Exceptions:* job applications for law enforcement or similar positions, if a federal or state law creates a mandatory or presumptive disqualification based on the job candidate's conviction, or if a fidelity bond is required and the conviction could prevent obtaining such a bond.

➤ **BREAKS** ◀

A 20-minute meal break is required for each six hours employees work; employees working eight-hour shifts are entitled to 30 minutes. *Exceptions:* Employees who can eat on the job, who work no longer than 6.5 hours, and who leave work no later than 1 p.m.; or who work no longer than 7.5 hours and who leave work no later than 2 p.m., are excluded from the law.

➤ **BREAST-FEEDING** ◀

An employer shall: 1) provide reasonable unpaid break time each day to an employee who needs to breast-feed or express breast milk for her infant child, and 2) make a reasonable effort to provide a private, secure, and sanitary room or other location in close proximity to the work area, other than a toilet stall, where an employee can express milk or breast-feed her child. The break time must, if possible, run concurrently with any break time already provided to the employee. An employer is not required to provide break time if doing so would create an undue hardship on its operations.

➤ **CHILD LABOR** ◀

Click on the following link www.dlt.ri.gov/ls/childlabor.htm to access Rhode Island's Department of Labor and Training child labor laws home page. For a brochure on understanding Rhode Island's child labor laws, click on www.dlt.ri.gov/ls/pdfs/childlaborBrochure.pdf.

➤ **CHILD SUPPORT** ◀

Employers served with a child support order must begin withholding one week after the order is served. Amounts are remitted within seven days of payday. Notify the agency within 10 days if the employee-obligor terminates.

➤ **COURT ATTENDANCE** ◀

Employees may not be discharged or denied seniority because of court attendance. Employers may require employees to use their accrued paid leave (e.g., personal, sick, or vacation). Employers are not required to compensate employees during their time spent in court. An employer may also limit an employee's leave if the leave creates an undue hardship to the employer's business.

In addition, the Victim's Bill of Rights requires that every employer with 50 or more employees allow an employee who is the victim of a crime to leave work to attend court proceedings related to the crime. Prior to leaving work, the employee is to provide his/her employer with notification of the court proceedings.

Employers can't terminate, retaliate or discriminate against employees who have been served with subpoenas to testify before any court or administrative body. Employers, however, don't have to pay employees for the time during which they are in court. Violators may be liable to employees for actual damages, compensatory damages and reasonable attorneys' fees; employees have three years to sue.

➤ DISABILITIES ◀

Rhode Island has two major laws that apply to applicants and employees with disabilities. The first is the Rhode Island Fair Employment Practices Act, and the second is Rhode Island's Civil Rights of People with Disabilities law.

Under the Rhode Island Fair Employment Practices Act, employers are prohibited from refusing to hire, terminating, or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on disability.

In addition, generally speaking, employers cannot:

- elicit or attempt to elicit any information, make/keep a record, or use any form or employment application containing questions or entries based on disability;
- print, publish, or cause to be printed or published an employment notice or advertisement indicating a preference, limitation, specification, or discrimination based on disability; and
- establish, announce, or follow a policy of denying or limiting, through a quota system or otherwise, employment opportunities based on disability.

For purposes of the Act, a person with a disability is defined as one who has a physical or mental impairment that substantially limits one or more major life activity, has a record of such an impairment, or is regarded as having such an impairment. An employer is defined as any person in Rhode Island employing four or more individuals, as well as any agent of such an employer.

Rhode Island's Civil Rights of People with Disabilities law states that no otherwise qualified person with a disability may, solely on the basis of disability, be subjected to discrimination in employment by any person or entity receiving financial aid from the state or doing business within the state if the person, with reasonable accommodation and with no major cost, can perform the essential functions of the job in question. This prohibition applies to the following.

- Recruiting, advertising, and processing applications for employment.
- Hiring, upgrading, promoting, awarding tenure, demoting, transferring, downsizing, terminating, returning from layoff, and rehiring.
- Rates of pay or any other form of compensation and changes in compensation.
- Job assignments, job classifications, organizational structures, and seniority lists.
- Leaves of absence.
- Fringe benefits available by virtue of employment, whether or not administered by the recipient.
- Selection and financial support for training.
- Employer-sponsored activities, including social or recreational programs.

Employers are also prohibited from refusing to reasonably accommodate an individual's disability, unless they can demonstrate that the accommodation would pose an undue hardship.

➤ **DRUG TESTING** ◀

An employer may require a specific employee to submit to drug and alcohol testing if all of the following requirements are met.

1. The employer has reasonable grounds to believe, based on specific objective facts, that the employee's drug use is impairing his/her work performance.
2. The employee provides the test sample in private, outside the presence of any person.
3. Testing is conducted in conjunction with a *bona fide* rehabilitation program.
4. Positive test results are confirmed.
5. The employer informs the employee that he/she has the opportunity to have the sample tested or evaluated by an independent testing facility at the employer's expense.
6. The employer provides the employee with a reasonable opportunity to rebut or explain the results.

➤ **FAMILIAL/MARITAL STATUS** ◀

No provisions specified in the general employment context.

The state recognizes same-sex marriage.

➤ **FAMILY/MEDICAL LEAVE** ◀

Coverage: Employers with 50 or more employees.

Employee eligibility: Employees must have worked for 12 consecutive months to be entitled to parental or family leave.

Length of leave: Covered employers are required to grant 13 consecutive workweeks of unpaid leave in any two calendar years.

Reasons for leave: 1) parental leave (the birth of a child of the employee, or the adoption of a child under 16 years of age by the employee); 2) family leave (the serious illness of a family member; parent, parent-in-law, spouse, or child); or 3) the employee's own serious illness. Employers that allow employees to use sick leave after the birth of a child must allow the same time to be used for the placement of a child, age 16 or younger, for adoption with an employee.

Nothing in the parental and family leave law may be construed to affect an employer's obligation to comply with any collective bargaining agreement or employment benefit plan that provides greater parental leave or family leave rights to employees than the rights provided under the law. Parental and family leave rights may not be diminished by any collective bargaining agreement or by any employment benefit plan, and the law may not be construed to affect or diminish the contract rights or seniority status of any other employee of any employer covered by this law.

Parental or family leave may be unpaid. If employers provide paid parental or family leave for fewer than 13 weeks, the additional weeks of leave needed to attain the total of 13 weeks may be unpaid.

Benefits: During parental or family leave, employers must maintain any existing health benefits of employees in force as if they had continued in employment from the date they began such leave, until the date they return to employment. Prior to the beginning of parental or family leave, employees must pay the employer a sum equal to the premium required to maintain their health benefits in force during the period of parental or family leave. Employers must then return such payment to employees within 10 days following their return to employment.

Taking parental or family leave may not result in the loss of any benefit accrued before the date on which the leave commenced. However, nothing in the parental and family leave law may be construed to entitle any employee who takes parental or family leave to any benefit other than the benefits to which the employee would have been entitled had he/she not taken the leave.

Notification: Employees must give at least 30 days' notice of the intended dates on which parental or family leave will commence and terminate, unless prevented by medical emergency from giving such notice.

Certification: The employer may request that the employee provide written certification from a physician caring for the person who is the reason for the employee's leave. The certification must specify the probable duration of the employee's leave.

Reinstatement: Every employee who exercises the right to parental or family leave must, upon the expiration of such leave, be entitled to be restored to the position held by the employee when the leave commenced, or to a position with equivalent seniority, status, employment benefits, pay, and other terms and conditions of employment, including fringe benefits and service credits, that the employee had been entitled to at the commencement of the leave.

Paid leave: Employers that have at least 18 employees must allow employees to accrue one hour of paid sick or safe leave for every 35 hours they work according to this schedule:

- 24 hours during calendar year 2018;
- 32 hours during calendar year 2019; and
- 40 hours during calendar year 2020 and thereafter.

Employers with fewer than 18 employees can't discipline employees who take sick or safe leave, up to the maximum number of hours scheduled per year, for allowable purposes.

Employers may choose to provide employees with more paid leave and may lend employees leave, at their discretion. Employers that choose to not track employees' accrual of paid leave may front load time according to this schedule:

- eight hours of leave per month for five months, for employees who work between 37.5 and 40 hours a week;
- five hours of leave per month for eight months, for employees who work 30 hours a week;
- four hours of leave per month for 10 months, for employees who work 24 hours a week;
- four hours of leave per month for nine months, for employees who work 20 hours a week;
- three hours of leave per month for 10 months, for employees who work 16 hours a week;

- two hours of leave per month for 10 months, for employees who work 10 hours a week; or
- one hour of leave per month for 10 months, for employees who work five hours a week.

Employees begin to accrue time on the later of July 1, 2018, or their first day of employment and may use leave beginning on the 90th day of employment. Employers may limit employees' use of paid leave to four-hour increments. Employees can't be forced to find a replacement to cover their absence. Employers and employees may agree that employees can substitute an equivalent number of additional hours or shifts during the same pay period or the next pay period to make up for their leave.

Employees may carry over unused leave into the next year, subject to the annual limits. In lieu of carrying over leave, employers may cash out employees at the end of a year. Employers don't have to cash out terminating employees' leave, but employees who are rehired within 135 days must have their leave reinstated.

If the need for leave is foreseeable, employees must provide notice to their employers. If the need for leave isn't foreseeable, employers must provide a written policy that instructs employees on how to provide notice. Employers that fail to provide employees with these policies can't deny them leave. Employees who are absent for at least three consecutive days may be required to present reasonable documentation.

Employees can't use their paid leave as an excuse to be late for work. Employers may discipline employees, including terminating employees, who commit fraud or abuse by taking time off that's not consistent with the law. In addition, employers may discipline employees who establish a clear pattern of taking leave on days just before or after a weekend, vacation or holiday, unless employees provide reasonable documentation that they used their leave for a lawful purpose.

See also military leave.

➤ GENETIC TESTING ◀

Genetic testing is prohibited. Employers may not directly or indirectly:

1. request, require, or administer a genetic test to an employee, licensee, or applicant as a condition of employment;
2. affect the terms, conditions, or privileges of employment, or terminate an individual who obtains a genetic test;
3. deny employment, suspend, revoke, or refuse to renew an occupational license, or take any other action affecting the terms, conditions, or privileges of employment against an individual based on the refusal to: a) submit to a genetic test; b) submit a family health history; or c) reveal whether the individual has submitted to a genetic test, or the results of a genetic test to which he/she has submitted;
4. otherwise use genetic information to adversely affect the employment of an individual; or
5. reveal genetic information about employees, licensees, or applicants.

➤ **HEALTH CARE CONTINUATION COVERAGE** ◀

Continuation coverage requirements generally apply to employers that provide group health insurance coverage to employees. Eligible employees have the right to continue coverage for up to 18 months.

Click on the following link www.rilin.state.ri.us/Statutes/TITLE27/27-20.4/INDEX.HTM to access the state law.

➤ **JURY DUTY** ◀

Employers may not deprive employees of jobs, wage increases, promotions, or other benefits because of jury service. There is no obligation for employers to pay wages during jury service, unless a collective bargaining agreement or other employment contract mandates compensation.

➤ **LIFESTYLE DISCRIMINATION** ◀

It is unlawful for an employer to require, as a condition of employment, that employees or prospective employees refrain from smoking or using tobacco products outside the course of employment, or otherwise discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment for such use. *Exception:* A non-profit employer whose purpose is to discourage the use of tobacco.

➤ **MASS LAYOFF NOTIFICATION** ◀

No state-specific notification provision.

➤ **MEDICAL DONATION LEAVE** ◀

No general provision.

➤ **MILITARY LEAVE** ◀

Employees who enter the U.S. military forces are entitled to military leave privileges. Leave for military training does not affect employees' rights to receive vacation, sick leave, bonuses, advancements, or other employment advantages of their positions.

When any public employee is on a leave of absence due to military service, the leave of absence is to be counted as continuous employment for retirement pension and prescribed rights or benefits in any retirement system or pension fund, as though the employee had not been on a leave of absence.

Municipal employees who have left or shall leave their position by reason of entering the U.S. Armed Forces, and who at the time of entrance into the armed services had family medical

benefits, shall continue to be eligible to receive family medical benefits in the same manner as available prior to entering service for designated family members, excluding the employee, during the duration of their absence.

Reinstatement: Employees are entitled to reinstatement to their former or equivalent positions with no loss of seniority, status, and pay, if qualified to perform the duties of the position and evidence is presented to employers of satisfactory completion of military training. Restoration is not required if the employer's circumstances have so changed as to make it impossible or unreasonable to do so.

Family military leave: Under the Family Military Leave Act, employers with between 15 and 50 employees must provide up to 15 days of unpaid leave to employees who are the spouse or parent of a person called to military service lasting more than 30 days. Employers with more than 50 employees must provide up to 30 days of unpaid leave. Eligible employees must have been employed for at least 12 months and for at least 1,250 hours of service during the 12-month period immediately preceding the leave of absence. (For purposes of the Act, an employee is defined to include an independent contractor.)

Employees must provide at least 14 days' notice of the date leave begins if the intended absence will consist of five or more consecutive workdays. When possible, employees must consult with their employers about scheduling the leave so as to not unduly disrupt the employer's business operations. Employees taking fewer than five consecutive days must give their employers as much advance notice as practicable. Employers are permitted to require certification from the military to verify the employee's eligibility to take requested leave.

Employees must exhaust all accrued vacation, personal, compensatory, and any other leave (except sick and disability leave) before taking leave under this Act.

Employers may allow employees to continue their benefits at their expense during the leave of absence. However, the employer and employee may negotiate for the employer to maintain benefits at its expense.

An employer may not interfere with, restrain, or deny an employee's rights; or discharge, fine, suspend, expel, discipline, or in any other manner discriminate against an employee for exercising his/her rights under the Act.

Employees must be restored to the position held when the leave began, or to a position with equivalent seniority status, benefits, pay, and other terms and conditions of employment. An employer may deny reinstatement if it proves the employee was not restored because of conditions unrelated to the employee's exercise of leave rights.

➤ **MINIMUM WAGE** ◀

Minimum hourly wage/overtime rate: \$10.10/\$15.15; \$10.50/\$15.75, eff. 1-1-19.

Basis for overtime: Over 40 hours/week.

Opportunity wage for under 20-year-olds: None.

➤ NATIONAL ORIGIN ◀

Under the Rhode Island Fair Employment Practices Act, employers are prohibited from refusing to hire, terminating, or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on country of ancestral origin.

In addition, employers cannot:

- elicit or attempt to elicit any information, make/keep a record, or use any form or employment application containing questions or entries based on country of ancestral origin;
- print, publish, or cause to be printed or published an employment notice or advertisement indicating a preference, limitation, specification, or discrimination based on country of ancestral origin; and
- establish, announce, or follow a policy of denying or limiting, through a quota system or otherwise, employment opportunities based on country of ancestral origin.

For purposes of the Act, an employer is defined as any person in Rhode Island employing four or more individuals, as well as any agent of such an employer.

➤ NEW-HIRE REPORTING ◀

Data to be reported: Employee's name, address, SSN; employer's name, address, federal EIN, whether dependent health coverage is provided, when employee is eligible, where to send withholding orders.

Employees who are rehired after being off the payroll for 60 consecutive days must be reported to the state as new hires.

Reporting deadline/form: Within 14 days of hire or rehire; on W-4s or through the state's website.

➤ OVERTIME ◀

Basis for overtime: Over 40 hours in a workweek.

Except for emergencies, hourly-paid licensed nurses and certified nurse assistants who work in hospitals can't be required to work overtime in excess of a predetermined work shift of eight, 10, or 12 hours. They may continue to volunteer to work overtime hours in excess of statutory limits. Certified registered nurse anaesthetists and resident physicians are excluded from this provision. Delivery drivers or sales merchandisers cannot be paid overtime based on the fluctuating workweek method.

➤ **PAY STATEMENTS** ◀

Information required: On request, hours worked; amount/reason for deductions.

➤ **PERSONNEL FILES** ◀

An employer is required to permit inspection of personnel files containing information that was used by the employer to determine the employee's job qualifications, promotion, extra pay, termination, or disciplinary action, provided the employee gives seven days' advance notice. Employers are allowed to charge employees a reasonable copying fee.

Access to personnel files does not apply to records relating to: the investigation of a possible criminal offense or records prepared for use in civil, criminal, or grievance proceedings; any letters of reference; recommendations; managerial records kept or used only by the employer; confidential reports from previous employers; and managerial planning records; confidential reports from previous employers; and managerial planning records.

➤ **POLYGRAPH TESTING** ◀

No employer may either orally or in writing request, require, or subject any employee to any lie detector test as a condition of employment or continued employment. It is not a valid defense that a lie detector test was administered outside the state of Rhode Island for employment within the state.

➤ **POSTING REQUIREMENTS** ◀

Workers' Compensation (English & Spanish) — All employers

Discrimination — All employers

Unemployment Insurance — All employers

Minimum Wage (English & Spanish) — All employers

Parental & Family Medical Leave — All employers of 50 or more employees

Right to Know (English & Spanish) — All employers

Fair Housing (English & Spanish) — All employers

Sexual Harassment — All employers

Whistleblowers' Protection Act — All employers

Child Labor — Employment of Minors — All employers who employ minors

No Smoking (English & Spanish) — All employers

➤ PREGNANCY ◀

Coverage: Employers with at least four employees.

General rule: Women affected by pregnancy, childbirth, or related medical conditions must be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected, but similar in their ability or inability to work.

In addition, it is an unlawful employment practice for an employer to discriminate against an employee on the basis of pregnancy, childbirth, or related medical conditions.

Accommodations: Unless there is undue hardship, employers must reasonably accommodate a pregnant employee. Pregnancy means pregnancy, childbirth, or a related condition, including, but not limited to, breast feeding. Reasonable accommodations may include acquiring chairs or other equipment that will allow a pregnant employee to sit, more frequent or longer breaks, assisting the employee with manual labor, job restructuring, light-duty assignments, modified work schedules, temporary transfers to less strenuous or hazardous work, time off to recover from childbirth, or break time and appropriate facilities for expressing breast milk. The employee can't be required to take leave if another accommodation is appropriate. The employer may require the employee to provide medical certification of the need for an accommodation.

Employers must provide written notice to new hires and to all employees regarding their pregnancy accommodation rights.

It is unlawful for employers to fail or refuse to treat an employee or job applicant who is pregnant as well as they treat other employees or job applicants who are similarly unable to work, to require employees or job applicants to accept an accommodation they choose not to accept, to require employees to take leave if another accommodation can be provided, or take adverse action against employees who request an accommodation in terms of their working conditions or privileges of employment.

See also family/medical leave.

➤ RACE ◀

Under the Rhode Island Fair Employment Practices Act, employers are prohibited from refusing to hire, terminating, or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on race or color.

In addition, employers cannot:

- elicit or attempt to elicit any information, make/keep a record, or use any form or employment application containing questions or entries based on race or color;
- print, publish, or cause to be printed or published an employment notice or advertisement indicating a preference, limitation, specification, or discrimination based on race or color; and
- establish, announce, or follow a policy of denying or limiting, through a quota system or otherwise, employment opportunities based on race or color.

For purposes of the Act, an employer is defined as any person in Rhode Island employing four or more individuals, as well as any agent of such an employer.

➤ REFERENCES ◀

References: An employer that, upon request by a prospective employer or a current/former employee, provides fair and unbiased information about an employee's job performance is immune from civil liability. Immunity is lost if the employee shows by a preponderance of the evidence that the information was deliberately false or misleading or disclosed for a malicious purpose, or that the disclosure violated the employee's civil rights under employment discrimination laws.

Social media: Employers are prohibited from requesting or requiring employees or job applicants to disclose usernames or passwords for accessing any personal account or service they use primarily for personal communications, from disclosing details regarding their personal social media, and from requiring anyone to be added to their personal social media accounts. Employers may obtain information that's in the public domain.

Employers may monitor employees' use of electronic equipment and e-mail; and request or require that employees disclose usernames or passwords information for employer-provided equipment or accounts or services.

Employers may require disclosure in connection with investigations to ensure compliance with federal or state laws or to prohibit workplace misconduct and to determine whether employees disclosed proprietary information, confidential information, or financial data without authorization. Employers may also require disclosure to comply with federal laws or regulatory requirements.

➤ RELIGION ◀

Under the Rhode Island Fair Employment Practices Act, employers are prohibited from refusing to hire, terminating, or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on religion.

In addition, employers cannot:

- elicit or attempt to elicit any information, make/keep a record, or use any form or employment application containing questions or entries based on religion;
- print, publish, or cause to be printed or published an employment notice or advertisement indicating a preference, limitation, specification, or discrimination based on religion; and
- establish, announce, or follow a policy of denying or limiting, through a quota system or otherwise, employment opportunities based on religion.

For purposes of the Act, religion includes all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that it is unable to reasonably accommodate an employee's or applicant's religious observance or practice without creating an undue hardship. An employer is defined as any person in Rhode Island employing four or more individuals, as well as any agent of such an employer.

➤ REPORTING PAY ◀

Employees who report to work must be paid for three hours. *Exceptions:* The provision doesn't apply to employees who voluntarily report late or leave before three hours elapse. In that case, employers need only pay for time actually worked, provided time records indicate the reason employees didn't work the minimum time. The provision also doesn't apply if employees can't work normal shifts due to events beyond their employers' control or Acts of God.

➤ SAFETY ◀

Click on the following link www.dlt.ri.gov/occusafe/ to access the Rhode Island Department of Labor and Training Occupational Safety Unit home page.

➤ SCHOOL VISITATION LEAVE ◀

Employers of 50 or more employees must provide parents, foster parents, or guardians who have been employed by the same employer for 12 consecutive months up to 10 hours of leave during any 12-month period to attend school conferences or other school-related activities for their child, foster child, or ward.

Employees must provide 24 hours' notice and make a reasonable effort to schedule the leave so as to not unduly disrupt the employer's operations. Leave need not be paid, but employees may substitute any accrued paid leave or other appropriate paid, for this leave.

➤ SEX DISCRIMINATION ◀

Under the Rhode Island Fair Employment Practices Act, employers are prohibited from refusing to hire, terminating, or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on sex.

In addition, employers cannot:

- elicit or attempt to elicit any information, make/keep a record, or use any form or employment application containing questions or entries based on sex;
- print, publish, or cause to be printed or published an employment notice or advertisement indicating a preference, limitation, specification, or discrimination based on sex; and
- establish, announce, or follow a policy of denying or limiting, through a quota system or otherwise, employment opportunities based on sex.

An employer is defined as any person in Rhode Island employing four or more individuals, as well as any agent of such an employer.

➤ **SEXUAL HARASSMENT** ◀

Employers of 50 or more employees must promote a work environment free from sexual harassment, which is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature from any person directed towards, or in the presence of, an employee or applicant when:

- submission to the conduct is either explicitly or implicitly a term or condition of the individual's employment;
- submission to or rejection of the conduct by the individual is used as the basis for employment decisions affecting the individual; or
- such conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment.

Employers must adopt a policy prohibiting sexual harassment. The policy must be written and distributed to all employees, and contain the following elements.

- A statement that sexual harassment in the workplace is unlawful.
- A statement that it is unlawful to retaliate against an employee for filing a complaint of sexual harassment or for cooperating in an investigation of a complaint for sexual harassment.
- A description, including examples, of sexual harassment.
- A statement of the range of consequences for employees who are found to have committed sexual harassment.
- A description of the process for filing internal complaints about sexual harassment and the work addresses and telephone numbers of the person(s) to whom complaints should be made.
- The identity of the appropriate state and federal employment discrimination enforcement agencies, and instructions for contacting those agencies.

Employers must maintain a record of their sexual harassment policies at their business premises and make copies available to any state or federal anti-discrimination enforcement agency upon request.

An executive order requires all state agencies to comply with federal and state laws pertaining to the prevention of sexual harassment. Agencies must develop, promote, monitor, implement, and maintain practices that establish guidelines to prevent the sexual harassment of any employee or applicant.

➤ **SEXUAL ORIENTATION DISCRIMINATION** ◀

Under the Rhode Island Fair Employment Practices Act, employers are prohibited from refusing to hire, terminating, or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on sexual orientation or gender identity or expression.

In addition, employers cannot:

- elicit or attempt to elicit any information, make/keep a record, or use any form or employment application containing questions or entries based on sexual orientation or gender identity or expression;
- print, publish, or cause to be printed or published an employment notice or advertisement indicating a preference, limitation, specification, or discrimination based on sexual orientation or gender identity or expression; and
- establish, announce, or follow a policy of denying or limiting, through a quota system or otherwise, employment opportunities based on sexual orientation or gender identity or expression.

For purposes of this Act, an employer is defined as any person in Rhode Island employing four or more individuals, as well as any agent of such an employer. Sexual orientation means having or being perceived as having an orientation for heterosexuality, homosexuality, or bisexuality. Gender identity or expression includes a person's actual or perceived gender, as well as a person's gender identity, gender-related self-image, gender-related appearance, or gender-related expression, whether or not it is different from that traditionally associated with the person's sex at birth.

➤ **SMOKING** ◀

Smoking is prohibited in all enclosed public places and workplaces. If an employer decides to provide an outdoor smoking area for employees, the area must be physically separated from the enclosed workspace to prevent migration of smoke into the workplace.

Employers must post a conspicuous sign at every entrance stating that smoking is prohibited.

See also lifestyle discrimination.

➤ **SOCIAL SECURITY NUMBER PRIVACY** ◀

Social Security numbers may not be made available to the general public; printed on any card required to access products or services provided by the employer; transmitted over unsecured Internet connections; or used to access an Internet site unless accompanied by an authentication device (a unique password or personal identification number, for example). In addition, Social Security numbers should not be printed on any materials that are mailed to an individual, with limited exceptions.

Employers that maintain computerized data that includes personal information (e.g., Social Security numbers) must report a security breach in a "prompt and reasonable" manner to anyone whose personal information might have been compromised.

Employers must implement and maintain a risk-based information security program that contains reasonable security procedures and practices appropriate to the size and scope of their business operations; the nature of the information; and the purpose for which the information was collected in order to protect the employees' personal information from unauthorized access, use, modification, destruction, or disclosure and to preserve the confidentiality, integrity, and availability of the data.

Employers that disclose employees' personal information to nonaffiliated third parties must require by a written contract that their third parties implement and maintain reasonable security procedures and practices appropriate to the size and scope of the organization; the nature of the information; and the purpose for which the information was collected in order to protect the personal information from unauthorized access, use, modification, destruction, or disclosure.

In the event of a security breach that poses a significant risk of identity theft, employers must notify employees in the most expedient time possible, but not late than 45 days after the breach has been confirmed. If more than 500 employees are involved, employers must also notify the state attorney general and major credit reporting agencies.

➤ UNEMPLOYMENT INSURANCE ◀

Click on the following link www.dlt.ri.gov/ui/ to access the Rhode Island Department of Labor and Training rules for the unemployment insurance program.

➤ VACATION PAY UPON TERMINATION ◀

Whenever an employee is separated from the payroll of an employer after completing at least one year of service, any vacation pay accrued by collective bargaining, company policy, or other agreement between employer and employee shall become wages due and payable in full or on a prorated basis with all other wages on the next regular payday for the employee.

➤ VIOLENCE ◀

Under the Workplace Violence Prevention Act, if an employer, an employee of the employer, or a visitor to the workplace has received a threat of violence that can reasonably be construed as a threat that may be carried out at the workplace, or has been stalked or harassed at the workplace, the employer may seek a temporary restraining order, a preliminary injunction, or an injunction to prohibit further unlawful acts.

Employers are prohibited from refusing to hire, discharging, or otherwise discriminating against any employee solely because the employee is seeking or obtaining a protective order.

➤ VOTING ◀

No time-off-to-vote provision.

➤ WAGE DEDUCTIONS ◀

Deductions for pension plans and insurance may be made from wages without an employee's written consent if any existing collective bargaining agreement contains provisions for such payments. Otherwise, written permission is required for wage deductions for union dues or other obligations imposed by a collective bargaining agreement; subscriptions to a non-profit hospital, medical, or surgical service corporation; contributions to a religious, charitable, scientific, literary, or education corporation; payments for the purchase of government bonds or employer stock,

under a stock purchase plan; contributions to a pension plan; contributions under an accident, health, or life insurance plan; amounts to be credited to a share, deposit, or loan account in a credit union; contributions, subscriptions, or payments of a similar nature not connected with past or present indebtedness; or payments for voluntary participation in a van pool program.

➤ WAGE GARNISHMENT ◀

The amount subject to garnishment is controlled by federal law. The lesser of 25% of disposable weekly pay, or the amount by which disposable weekly pay exceeds 30 times the federal minimum wage in effect during the week the garnishment is to occur, may be withheld. The state has no provisions prohibiting discharge, but federal law prohibits discharging an employee for any single indebtedness.

➤ WAGE PAYMENT ON TERMINATION ◀

Employee who quits: Next payday.

Employee who's fired: Next payday.

➤ WAGE PAYMENTS ◀

Payday requirements: Weekly, biweekly, semimonthly, or monthly.

Pay frequency: All employers may petition the Department of Labor and Training for permission to pay employees less frequently than weekly. To qualify for less frequent paydays, employers' average payrolls must exceed 200% of compensation paid to all employees in the state. Employers must continue to pay wages on predesignated paydays not less than twice a month, and provide proof of surety bonds or other security equal to their highest biweekly payroll exposure for the preceding year.

Employers with average payrolls of less than 200% of the state minimum wage, and that have no history of wage and hour violations, may also petition the department to pay wages less frequently than weekly, provided wages are paid at least twice a month. Employers must provide the department with the following information:

- the method by which wages will be paid, how frequently wages will be paid, and the designated paydays;
- the classification and salary range of employees covered;
- their federal Employer Identification Numbers; and
- proof of surety bonds or other security in the amount of their highest biweekly payroll exposure in the preceding year for covered employees.

Direct deposit: Employers may not require employees to be paid electronically. Employees may consent in writing, and may choose the bank.

Pay statements: Employers may provide employees' pay statements electronically, provided employees consent and they incur no costs.

Misclassified workers: Employers that misclassify workers as independent contractors violate the wage payment laws and, in addition to any other penalties, may be liable for a civil penalty ranging from \$500 to \$3,000 for each misclassified employee. The penalty increases to \$5,000 for later offenses.

Misclassified employees or former employees may sue employers for failure to pay wages and/or benefits. Employees may recover up to two years' worth of unpaid wages and/or benefits, compensatory damages, and liquidated damages equal to two times the amount of wages and/or benefit owed. Employees are also entitled to reinstatement of employment, fringe benefits, seniority rights, and reasonable attorneys' fees and costs.

➤ WHISTLEBLOWING ◀

Employers may not discharge, threaten, or otherwise discriminate against an employee with respect to the employee's compensation, terms, conditions, location, or employment privileges because of the following situations.

- An employee or person acting on the employee's behalf reports a violation of a law or regulation — that has occurred or is going to occur — to the state's Department of Labor and Training.
- An employee participates in an investigation, hearing, or inquiry that the department or another public body holds.
- An employee has filed any complaint, instituted any proceeding, or testified in a proceeding under or related to the Rhode Island Occupational Safety Law.

➤ WORK AUTHORIZATION ◀

No work authorization provision.

➤ WORKERS' COMPENSATION ◀

Click on the following link www.dlt.ri.gov/wc/ to access the Rhode Island Department of Labor and Training, Division of Workers' Compensation home page. For general Workers' Compensation information for employers, click on www.dlt.ri.gov/wc/infoemployer.htm.