

The Honorable Arthur J. Corvese
Chairman, House Labor Committee
RI State House
Providence, RI 02903



Subject: House Bill 5366 – Support with amendments

Dear Chairman Corvese:

On behalf of the member companies of The Rhode Island Chapter of Associated General Contractors (RIAGC), I write to support House Bill 5366 with amendments.

Wage violations and non-payment of wages are unlawful and immoral, and RIAGC has strongly supported efforts by the RI Department of Labor and Training (DLT) and the Attorney General (AG) to combat and investigate labor violations that impact workers. RIAGC continues to advocate for additional investigators to improve site checks and ensure that complaints are investigated promptly and adjudicated to hold unscrupulous companies accountable.

RIAGC believes it is important to address some key concerns and model this bill after similar legislation introduced in Massachusetts. We are appreciative that the advocates of this bill have welcomed suggested changes to ensure this legislation targets the correct audience - the unscrupulous individuals who unlawfully steal wages. To reiterate, the following items should be protected and included:

- Establish a required notice period, defining a path of resolution for employers in joint liability disputes, and restricting liability to a 120-day lookback period.
- Specify protections from liability, including certified payroll and sign-in procedures, giving employers clear guidelines to follow.
- Joint & several liability would not apply if the contractor makes a payment in full of the wages claimed within the notice period or if a settlement offer is reached within the same period.
- Clarify that general contractors are not responsible for an offenders' employees, and such individuals do not become "employees" of the general contractor so that other benefits, workers compensation, payroll taxes, etc. become the responsibility of the general contractor.
- General contractors would not have to pay the penalty portions of any judgement against an offending party.
- The attorney general will establish a publicly available online database of enforcement actions brought pursuant to this section, including the names of the parties, the date filed, the disposition, and any other information that the attorney general shall by regulation prescribe.
- Non-payment of wage complaints would be allowed to be submitted online and via email to the Department of Labor and the Attorney General's offices, on par with other states, for more timely investigation and resolution.

Thank you for your time and we appreciate your consideration.

Sincerely,

Kerrie Bennett
Executive Director