

Rhode Island State Postings



CHAPTER 28-50 The Rhode Island Whistleblowers' Protection Act

§ 28-50-1. Short title. This chapter may be cited as the "Rhode Island Whistleblowers' Protection Act."

§ 28-50-2. Definitions. As used in this chapter:

- "Employee" means a person employed by any employer, and shall include, but not be limited to, at-will employees, contract employees and independent contractors.
- "Employer" means any person, partnership, association, sole proprietorship, corporation or other business entity, including any department, agency, commission, committee, board, council, bureau, or authority or any subdivision thereof in a state or municipal government. One shall employ another if services are performed for wages or under any contract of hire, written or oral, express or implied.

- "Person" means an individual, sole proprietorship, partnership, corporation, association, or any other legal entity.

- "Public body" means all of the following:
 - A state officer, employee, agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of state government.

- An agency, board, commission, council, member or employee of the legislative branch of state government.

- A county, city, town, or regional government body, a council, school district, or a board, department, commission, agency, or any member or employee of the entity.

- Any other body which is created by state or local authority or which is primarily funded by or through state or local authority or any member or employee of that body.

- A law enforcement agency or any member or employee of a law enforcement agency.

- The judiciary and any member or employee of the judiciary.

Any federal agency.

- "Supervisor" means any individual to whom an employer has given the authority to direct and control the work performance of the affected employee or any individual who has the authority to take corrective action regarding the violation of a law, rule or regulation about which the employee complains.

§ 28-50-3. Protection. An employer shall not discharge, threaten, or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment.

- Because the employee, or a person acting on behalf of the employee, reports or is about to report to a public body, verbally or in writing, a violation which the employee knows or reasonably believes has occurred or is about to occur, of a law or regulation or rule promulgated under the law of the state, a political subdivision of the state, or the United States, unless the employee knows or has reason to know that the report is false, or
- Because an employee is requested by a public body to participate in an investigation, hearing, or inquiry held by that public body, or a court action, or
- Because an employee refuses to violate or assist in violating federal, state or local law, rule or regulation, or
- Because the employee reports verbally or in writing to the employer or to the employer's supervisor a violation, which the employee knows or reasonably believes has occurred or is about to occur, of a law or regulation or rule promulgated under the law of this state, a political subdivision of this state, or the United States, unless the employee knows or has reason to know that the report is false. Provided, that if the report is verbally made, the employee must establish by clear and convincing evidence that the report was made.

§ 28-50-4. Relief and damages.

- A person who alleges a violation of this act may bring a civil action for appropriate injunctive relief, or actual damages, or both within three (3) years after the occurrence of the alleged violation of this chapter.

- An action commenced pursuant to subsection (a) of this section may be brought in the superior court for the county where the alleged violation occurred, the county where the complainant resides, or the county where the person against whom the civil complaint is filed resides or has his principal place of business.

- As used in subsection (a) of this section, "damages" means damages for injury or loss caused by this act, including the cost of chapter 34A, § 5.

§ 28-50-5. Reinstatement. A court, in rendering a judgment in an action brought under this act, shall order, at the court's discretion, reinstatement of the employee, the payment of back wages, full reinstatement of fringe benefits and seniority rights, actual damages, or any combination of these remedies. A court may also award the complainant all or a portion of the costs of litigation, including attorney's fees if the court determines that the award is appropriate.

§ 28-50-6. Collective bargaining. This chapter shall not be construed to diminish or impair the rights of a person under any collective bargaining agreement.

§ 28-50-7. Exemption. This chapter shall not be construed to require an employer to compensate an employer for participation in an investigation, hearing or inquiry held by a public body in accordance with § 28-50-3.

§ 28-50-8. Notice posted. An employer shall post notices and use other appropriate means to keep his or her employees informed of their protections and obligations under this chapter.

§ 28-50-9. Severability. If any provision of this chapter or its application to any person or circumstances is held invalid or unconstitutional, the validity or unconstitutionality shall not affect other provisions or applications of this act which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this chapter are declared to be severable.

SEXUAL HARASSMENT IS AGAINST THE LAW

Sexual harassment is a form of discrimination that occurs when an individual makes unreasonable sexual advances, requests for sexual favors and/or other verbal or physical contact of a sexual nature against his or her wishes.

The harasser can be:

- a supervisor
- an agent of the employer
- a supervisor in another area
- a co-worker
- a non-employee

or the same sex as the victim.

The prohibition against sexual harassment does not only apply to employees, it also applies to labor organizations, employment agencies, and to individuals who aid and abet an unlawful employment practice.

Sexual harassment occurs when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

Sexual harassment is a violation of state and federal laws.

Report incidents of harassment to:

Name: _____

Address: _____

Phone: _____

E-mail: _____

If you believe you are or have been the victim of sexual harassment, contact:

RHODE ISLAND COMMISSION FOR HUMAN RIGHTS
100 Westminster Street, Third Floor
Providence, RI 02903
401-222-2861 • TDD: 401-222-2864
Fax: 401-222-2811
www.ricrhi.org

— NOTICE TO EMPLOYEES —

Rhode Island Parental & Family Medical Leave Act

This notice is to provide you with information on the Rhode Island Parental & Family Medical Leave Act, which requires that employers of 50 or more employees grant an unpaid leave of absence, upon the request of an eligible employee, for 12 consecutive weeks in any two calendar years, under certain conditions.

Employees Eligible

Employees are eligible to apply for leave if they are full-time employees who work an average of 30 hours a week or more and have been employed continuously for at least 12 months.

Purpose of Leave

The leave required to be provided under the Act must be for one or more of the following reasons:

- Birth of a child of an employee.

- Placement of a child of 18 years of age or less with an employee.

- Discrete illness is defined to mean a disabling physical or mental illness, injury, impairment or condition that involves inpatient care in a hospital, nursing home or hospice, or self-patient care requiring continuing treatment or supervision by a health care provider.

- "Serious illness" of the employee or the employee's parent, spouse, child, mother-in-law or father-in-law.

- Return from Leave

Employees who are granted leave under the Act are entitled to be restored to the position held when the leave commenced, or to a position with equivalent seniority, status, employment benefits, pay and other terms and conditions of employment, including all fringe benefits and service credits that the employee had earned as of the commencement of the leave.

Prohibited Acts

The Act makes it unlawful for any employer to interfere with, restrain, or deny employees the rights provided under the Act, any discrimination or other employment action taken against an employee for exercising his rights under the Act, or for carrying any practice made unlawful by the Act, as it relates to the Act.

Requests for Leave

In order to be entitled to the leave, the employee must give at least 30 days notice of the intended date upon which the requested leave is to commence and, if the employee is on intermittent leave, must be requested by written notification from a physician caring for the employee. It is the reason for the leave request, which certification shall specify the employee's probable duration of the requested leave.

School Involvement Leave

An employee who has been employed for twelve months is entitled to 10 hours of school-related activities for a child of whom the employee is the parent, foster parent or guardian. A notice of 48 hours prior to the leave must be given to the employer by the employee. The leave is not required to be paid, except if an employee may substantially accrue earned leave or other appropriate paid leave.

Use of Sick Leave by Adoptive Parent

Any employer who allows sick time or sick leave of an employee to be used after the birth of a child shall allow the same time to be used for the placement of a child 16 years of age or less with an employee in connection with the adoption of the child by the employee.

Continuation of Health Benefits

Prior to the commencement of leave, the employee must pay his employer a sum equal to the premium required to maintain the employee's health benefits and any other terms and conditions of employment, including all fringe benefits and service credits that the employee had earned as of the commencement of the leave.

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Rhode Island Department of Labor and Training (DLT) Notice to All Employees – Information Employers Must Post

R General Laws §§9-29-13, §§9-44-38 and §§9-41-15 state that these notices must be posted and maintained in conspicuous places where workers are employed. Fines may be imposed for noncompliance.

DLT is an equal opportunity employer/recruiter, auxiliary aids and services are available on request to individuals with disabilities. TTY toll free 1-811-711

NOTICE TO ALL EMPLOYEES

Unemployment Insurance Benefits

If you become totally/partially unemployed:

- File your claim for benefits with the RI Dept. of Labor and Training (DLT) the same week you are unemployed or seeking reduced hours.

- File your claim online at www.dlt.ri.gov/ue or by telephone at (401) 415-6772. Visit www.dlt.ri.gov/ue for hours of operation. For more information, visit www.dlt.ri.gov/ue or (401) 415-6772.

- Monday is a high-volume telephone day; you may prefer to file your claim later in the week. You may visit the Social Security number and name, address and telephone numbers of your employers for the last two years. If you are not a U.S. citizen, your alien registration number is required.

- To collect unemployment benefits, the law requires that you must:

- be unemployed through no fault of your own,
- have earned minimum qualifying wages while you were working,
- be physically able to work, available for work and actively seeking work, and
- register for work with the RI Dept. of Labor and Training.

See you protected under provisions of the Rhode Island Unemployment Security Act and the Temporary Disability Insurance Act.

Employment and Training Services

If you need help finding a job:

The RI Dept. of Labor and Training offers free employment and training related services including:

- Job referral and placement services.
- Resource rooms with a wide range of employment and training resources.
- Career counseling and testing to help assess aptitudes and interests.
- Internet access for employment and training information.

- Job Search workshops to help you develop interviewing skills.

- Resume writing seminars to help you create an effective resume and cover letter.

Visit www.dlt.ri.gov to find a Career Center near you. You can also access many services on the internet at www.dlt.ri.gov/ue.

Temporary Disability Insurance Benefits

Who is Eligible for TDI Benefits?

If you have become ill or injured and meet all of the following requirements, you may be entitled to receive benefits:

- You are unable to do a illness, surgery, or injury for a minimum of seven consecutive days or more.
- You are under the care of an approved Qualified Health Care Provider.

- You are under the care of an off-duty medical professional the week within the calendar week in which the first day of unemployment due to sickness occurs or within the calendar week prior or subsequent thereto.

- You earned enough qualifying wages during the base period to be potentially eligible.

Who is Eligible for Temporary Caregiver Insurance Benefits?

If you are caring for a seriously ill child, spouse, parent, in-law, grandparent, domestic partner, or you are bonding with a newborn child, adopted child or foster child within the first 12 months of parenting, you may be eligible to receive benefits if you meet the following requirements:

- You are unemployed because you are caring for a seriously ill family member with a child.
- You provide the department with the required medical evidence of the seriously ill family member and your need to care for him/her or the required proof of parent-child relationship for bonding claims.

- You earned enough in qualifying wages to be potentially eligible.

How to Apply:

Complete a TD/CV application. TDI claims must be filed within 90 days of the first week of work to work to work. The DLT Director may extend this period up to 26 weeks if the individual can show a good medical reason for the delay in filing. TD/CV claims must be filed within 30 days after the first day of leave is taken for reasons of bonding or caregiving. TD/CV applications may be obtained online at www.dlt.ri.gov/ue. Or call (401) 462-8420. Option II: If you need an application to be mailed to you, for more information, visit www.dlt.ri.gov/ue or (401) 462-8420.

NOTE: You are required to submit a release of a portion of your contributions if during the calendar year TDI contributions were deducted from your pay for more than one employer. Information may be obtained regarding a refund by calling (401) 574-6700 or writing to the RI Director of Labor, Employee Tax, One Capitol Hill, Suite 360, Providence, RI 02903-5628.

DLT Rhode Island Department of Labor and Training
Auxiliary aids and services available upon request • (401) 462-8420

1511 North Main Avenue, Cranston, RI 02910
Toll-free 1-811-711 • Fax 401-462-8420 • TDD 401-462-8420

**HEALTHY AND SAFE FAMILIES
and WORKPLACES ACT**

Pursuant to RI General Law §28-5-7, you are entitled to sick and safe leave to address your own health and safety needs as well as those of your family. The leave may or may not be paid depending on the status of the employer and employee. For more information, visit www.dlt.ri.gov/ue or (401) 462-8420. Option II: If you need an application to be mailed to you, for more information, visit www.dlt.ri.gov/ue or (401) 462-8420.

Notice to Employers / Nurses Regarding the aspects of that law. Employers are still required to post the Federal Minimum Wage notice from the U.S. Dept. of Labor. The Rhode Island notice is in addition to this state notice. According to the Dept. of Labor, when Federal and state laws have different minimum wage rates, the higher standard applies.

This Posting is for Informational Purposes Only

This employer is subject to the provisions of the WORKERS' COMPENSATION ACT of the State of Rhode Island

Workers' Compensation Insurance Company:

Adjusting Company:

Telephone: _____ Policy Effective Date: _____

In accordance with Rhode Island General Law §28-5-1, the employer must report to the Director of Labor and Training every personal injury sustained by an employee if the injury requires the employee from earning full wages for at least three (3) days or require medical treatment, regardless of the period of recovery. If the injury proves fatal, the report must be filed within forty-eight (48) hours. If not fatal, the report must be made within ten (10) days of the injury.

An injured employee and his/her physician to choose medical treatment facility. The employer's first aid kit may be used under contract or agreement with the employer or insurer to provide priority care and not be considered the employer's initial choice.

For more information about Workers' Compensation procedures and benefits, call the Education Unit at (