

2016 -- H 7005 SUBSTITUTE A

LC003435/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE--PROCEDURE GENERALLY -
CAUSES OF ACTION

Introduced By: Representatives Keable, Craven, and McEntee

Date Introduced: January 06, 2016

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 9-1 of the General Laws entitled "Causes of Action" is hereby
2 amended by adding thereto the following section:

3 **9-1-54. Civil action against employer by employee under subpoena. – (a) An**
4 **employer shall not discharge, threaten, or otherwise take any adverse action against an employee**
5 **regarding the employee's compensation, terms, conditions, location or privileges of employment:**

6 **(1) When an employee has been duly served with a subpoena, to give evidence or testify**
7 **before any court within or without the state of Rhode Island or before any judicial, quasi-judicial**
8 **or other administrative body or entity with the authority to issue subpoenas.**

9 **(2) When the employee, upon being duly served with a properly issued subpoena,**
10 **promptly provides notice to their employer of being served and of the requirement to attend court**
11 **or other duly constituted hearing.**

12 **(b) Any employer who violates this section may be liable for damages which may include**
13 **actual damages, compensatory damages, and reasonable attorneys' fees incurred by the employee.**

14 **(c) Any cause of action under this section shall be commenced within three (3) years**
15 **from the date of violation.**

16 **(d) Nothing herein shall prevent an aggrieved employee from pursuing any other cause of**
17 **action under federal or state law.**

18 **(e) Nothing herein shall require an employer to compensate an employee for time missed**

1 [from work for complying with a subpoena.](#)

2 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE--PROCEDURE GENERALLY -
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1 This act would create a cause of action for employees who are discharged or otherwise
2 sanctioned by an employer on account of being required to attend court or other hearing pursuant
3 to a validly issued subpoena.

4 This act would take effect upon passage.

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