

2010 -- S 2685

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LC02112
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO PUBLIC PROPERTY AND WORKS - LABOR AND PAYMENT OF DEBTS
BY CONTRACTORS

Introduced By: Senator Walter S. Felag

Date Introduced: March 10, 2010

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 37-13-6 and 37-13-11 of the General Laws in Chapter 37-13
2 entitled "Labor and Payment of Debts by Contractors" are hereby amended to read as follows:

3 **37-13-6. Ascertainment of prevailing rate of wages and other payments --**
4 **Specification of rate in call for bids and in contract. --** Before awarding any contract for public
5 works to be done, the proper authority shall ascertain from the director of labor and training the
6 general prevailing rate of the regular, holiday, and overtime wages paid and the general prevailing
7 payments on behalf of employees only, to lawful welfare, pension, vacation, apprentice training,
8 and educational funds (payments to the funds must constitute an ordinary business expense
9 deduction for federal income tax purposes by contractors) in the city, town, village, or other
10 appropriate political subdivision of the state in which the work is to be performed, for each craft,
11 mechanic, teamster, laborer, or type of worker needed to execute the contract for the public
12 works. The proper authority shall, also, specify in the call for bids for the contract and in the
13 contract itself the general prevailing rate of the regular, holiday, and overtime wages paid and the
14 payments on behalf of employees only, to the welfare, pension, vacation, apprentice training, and
15 education funds existing in the locality for each craft, mechanic, teamster, laborer, or type of
16 worker needed to execute the contract or work. The provisions of this section shall not apply to
17 contracts for public works in the town of Warren, to the extent permitted by federal law, with a
18 contract price of less than fifty thousand dollars (\$50,000).

1 **37-13-11. Posting of prevailing wage rates.** -- Each contractor awarded a contract for
2 public works [to the extent permitted by federal law](#) with a contract price in excess of one
3 thousand dollars (\$1,000), and each subcontractor who performs work on those public works,
4 shall post in conspicuous places on the project, where covered workers are employed, posters
5 which contain the current, prevailing rate of wages and the current, prevailing rate of payments to
6 the funds required to be paid for each craft or type of worker employed to execute the contract as
7 set forth in sections 37-13-6 and 37-13-7, and the rights and remedies of any employee described
8 in section 37-13-17 for nonpayment of any wages earned pursuant to this chapter. Posters shall be
9 furnished to contractors and subcontractors by the director of labor and training, who shall
10 determine the size and context thereof from time to time, at the time a contract is awarded. A
11 contractor or subcontractor who fails to comply with the provisions of this section shall be
12 deemed guilty of a misdemeanor and shall pay to the director of labor and training one hundred
13 dollars (\$100) for each calendar day of noncompliance as determined by him or her. Contracts set
14 forth in this section shall not be awarded by the state, any city, town, or any agency thereof until
15 the director of labor and training has prepared and delivered the posters to the division of
16 purchases, if the state or any agency thereof is the proper authority, or to the city, town, or an
17 agency thereof, if it is the proper authority, and the contractor to whom the contract is to be
18 awarded. [The provisions of this section shall not apply to contracts for public works in the town](#)
19 [of Warren, to the extent permitted by federal law, with a contract price of less than fifty thousand](#)
20 [dollars \(\\$50,000\).](#)

21 SECTION 2. 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 provide relief to cities and towns from the provisions of the State
2 prevailing wage laws for public works contracts to the extent permitted by federal law with a
3 contract price of less than fifty thousand dollars (\$50,000).

4 This act would take effect upon passage.

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