

2015 -- H 5019 SUBSTITUTE A

LC000228/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

A N A C T

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

Introduced By: Representatives Keable, and Lally

Date Introduced: January 08, 2015

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 discriminate against an employee regarding**  
5 **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 his/her employer of being served and of the requirement to attend**  
11 **court 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.**

1 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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