

2019 -- H 5341

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LC000675
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS - FAIR EMPLOYMENT PRACTICES

Introduced By: Representatives Shanley, Tanzi, Kazarian, Knight, and Carson

Date Introduced: February 07, 2019

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-5-17 of the General Laws in Chapter 28-5 entitled "Fair
2 Employment Practices" is hereby amended to read as follows:

3 **28-5-17. Conciliation of charges of unlawful practices.**

4 (a) Upon the commission's own initiative or whenever an aggrieved individual or an
5 organization chartered for the purpose of combating discrimination, racism, or of safeguarding
6 civil liberties, or of promoting full, free, or equal employment opportunities, that individual or
7 organization being subsequently referred to as the complainant, makes a charge to the
8 commission that any employer, employment agency, labor organization, or person, subsequently
9 referred to as the respondent, has engaged or is engaging in unlawful employment practices and
10 that the unlawful employment practices have occurred, have terminated, or have been applied to
11 affect adversely the person aggrieved, whichever is later, within ~~one-year~~ two (2) years, the
12 commission may initiate a preliminary investigation.

13 (b) If the commission determines after the investigation that it is probable that unlawful
14 employment practices have been or are being engaged in, it shall endeavor to eliminate the
15 unlawful employment practices by informal methods of conference, conciliation, and persuasion,
16 including a conciliation agreement. The terms of the conciliation agreement shall include
17 provisions requiring the respondent to refrain from the commission of unlawful discriminatory
18 practices in the future and may contain any further provisions that may be agreed upon by the
19 investigating commissioner and the respondent, including a provision for the entry in superior

1 court of a consent decree embodying the terms of the conciliation agreement. Nothing said or
2 done during these endeavors may be used as evidence in any subsequent proceeding.

3 (c) If, after an investigation and conference, the commission is satisfied that any unlawful
4 employment practice of the respondent will be eliminated, it may, with the consent of the
5 complainant, treat the charge as conciliated, and entry of that disposition shall be made on the
6 records of the commission.

7 (d) The commission shall not enter a consent order or conciliation agreement settling
8 claims of discrimination in an action or proceeding under this chapter unless the parties and their
9 counsel attest that a waiver of all or substantially all attorneys' fees was not compelled as a
10 condition of the settlement.

11 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 extend the timeframe within which to bring an action for an unlawful
2 employment practice.

3 This act would take effect upon passage.

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