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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- EMPLOYMENT SECURITY

Introduced By: Senators Ruggerio, DiPalma, Lombardo, Miller, and Ottiano

Date Introduced: March 10, 2011

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-42-38.1 of the General Laws in Chapter 28-42 entitled
2 "Employment Security - General Provisions" is hereby amended to read as follows:

3 **28-42-38.1. Quarterly wage reports.** -- (a) (1) The department of labor and training is
4 designated and constituted the agency within this state charged with the responsibility of
5 collecting quarterly wage information, as required by 42 U.S.C. section 1302b-7. Each employer
6 shall be required to submit a detailed wage report to the director, for all calendar quarters within
7 thirty (30) days after the end of each quarter in a form and manner prescribed by the director,
8 listing each employee's name, social security account number, the total amount of wages paid to
9 each employee, and any other information that the director deems necessary. All reports shall be
10 in addition to those now required by the department.

11 (2) The department will utilize the quarterly wage information that it collects from
12 employers to establish an individual's eligibility for unemployment insurance benefits and to
13 determine the amount and duration of benefits for all new claims filed.

14 (3) Notwithstanding any provisions of chapters 42 -- 44 of this title to the contrary, the
15 department may utilize employee quarterly wage information submitted by employers to measure
16 the progress of the state in meeting the performance measures developed in response to United
17 States Public Law 105-220, the Workforce Investment Act of 1998 (see 29 U.S.C. section 2801 et
18 seq.), further provided however, that the department may verify certain employee quarterly wage
19 information for the local workforce investment board and provide it with the verified data under

1 [procedures established by rules and regulations promulgated by the director](#). The director shall
2 also make the quarterly wage information available, upon request, to the agencies of other states
3 in the performance of their public duties under the Workforce Investment Act of 1998 in that
4 state. This information shall be made available only to the extent required by the Secretary of
5 Labor and necessary for the valid administrative needs of the authorized agencies, and all
6 agencies requesting this data shall protect it from unauthorized disclosure. The department shall
7 be reimbursed by the agencies requesting the information for the costs incurred in providing the
8 information.

9 (4) Notwithstanding any provisions of chapters 42 -- 44 of this title to the contrary, the
10 department may provide quarterly wage information to the United States Census Bureau for the
11 purpose of participating in a joint local employment dynamics program with the United States
12 Census Bureau and the Bureau of Labor Statistics.

13 (b) Notwithstanding any inconsistent provisions of chapters 42 -- 44 of this title, an
14 employer who fails to file a detailed wage report in the manner and at the times required by
15 subsection (a) of this section for any calendar quarter shall pay a penalty of twenty-five dollars
16 (\$25.00) for each failure or refusal to file. An additional penalty of twenty-five dollars (\$25.00)
17 shall be assessed for each month the report is delinquent; provided, that this penalty shall not
18 exceed one hundred and fifty dollars (\$150) for any one report. This penalty shall be paid into the
19 employment security tardy account fund and if any employer fails to pay the penalty, when
20 assessed, it shall be collected by civil action as provided in section 28-43-18.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO LABOR AND LABOR RELATIONS -- EMPLOYMENT SECURITY

- 1 This act would allow the department of labor and training to verify employee quarterly
- 2 wage report information for the Workforce Investment Board.
- 3 This act would take effect upon passage.

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