

Rhode Island State Postings

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CHAPTER 28-50 The Rhode Island Whistleblowers' Protection Act

§ 28-50-1. Short title. This chapter may be cited as the "Rhode Island Whistleblowers' Protection Act".

§ 28-50-2. Definitions. As used in this chapter:

- (1) "Employee" means a person employed by any employer, and shall include, but not be limited to, all full employees, contract employees and independent contractors.
- (2) "Employee" means any person, partnership, association, sole proprietorship, corporation or other business entity, including any department, agency, commission, board, office, authority, or other instrumentality or subdivision thereof in state or municipal government. One shall employ another if services are performed for wages or under any contract of hire, written or oral, express or implied.

(3) "Person" means individual, sole proprietorship, partnership, corporation, association, or other entity.

(4) "Public body" means any of the following:

- (A) A state office, agency, department, bureau, board, commission, council, authority, or other body in the executive branch of state government.
- (B) An agency, board, commission, council, member, or employee of the legislative branch of state government.
- (C) A city, town, or regional governing body, a school, commission, board, committee, or other entity.
- (D) Any other body which is created by state or local authority or which is primarily funded by or through state or local authority, or by one or more employees of that body.
- (E) All law enforcement agency or any member or employee of a law enforcement agency.
- (F) The judiciary and any member or employee of the judiciary.
- (G) Any other entity.

(5) "Supervisor" means any individual who has the authority to direct and control the work performance of the affected employee or any individual who has the authority to take corrective action regarding the violation of a law, rule or regulation about which the employee complains.

§ 28-50-3. Purpose. An employee may not discharge, threaten, or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment.

(1) Because the employee, or a person acting on behalf of the employee, reports or is about to report to a public body, verbally or in writing, a violation which the employee believes or reasonably believes has been or is about to be committed by a public body, or any individual who has the authority to direct and control the work performance of the affected employee under the law of this state, a political subdivision of this state, or the United States, unless the employee knows or has reason to know that the report is false, or

(2) Because an employee is required by law to public body, or as a condition, or because the employee refuses to violate or assist in violating federal, state, or local law.

(3) Because the employee reports verbally to the employee or to the employee's supervisor a violation, which the employee knows or reasonably believes has been or is about to occur, of a law or regulation or rule promulgated under the laws of this state, a political subdivision of this state, or the United States, unless the employee knows or has reason to know that the report is false. Provided, that if the report is verifiable made, the employee must establish by clear and convincing evidence that the report was made.

§ 28-50-4. Relief and damages.

(a) A person who alleges a violation of this act may bring a civil action for appropriate injunctive relief, or actual damages, including attorney within three (3) years after the violation or reasonable belief that the violation occurred.

(b) An action commenced pursuant to subsection (a) of this section may be brought in the superior court for the county where the alleged violation occurred, the county where the employee resides, or the county where the employee resided when the civil complaint is filed unless it is less than principal residence.

(c) An award or judgment of this section, "damages" means damages for injury or loss caused by each violation of this chapter.

(d) [Revised by L. 2012, ch. 306, § 45.]

§ 28-50-5. Reinforcement. A court, in rendering a judgment in an action brought under this act, shall refer to the court considers appropriate, reimbursement of the employee, the payment of back wages, reinstatement of benefits and services, or removal of any adverse action taken by the employer. The court may also enter the complaint at a portion of the costs of litigation, including attorney's fees if the court determines that the award is appropriate.

§ 28-50-6. Collective bargaining. This chapter shall not be construed to diminish or impair the rights of a person under any collective bargaining agreement.

§ 28-50-7. Exemptions. This chapter shall not be construed to require an employer to accept a report of discrimination, harassment, or bullying if the employer reasonably needs to keep her/his employees informed of their protections and obligations under this chapter.

§ 28-50-8. Non-discriminatory. It is a violation of this chapter if the application to any person for employment is held invalid or discriminatory. The invalid or discriminatory application shall not affect other processes or applications of this act which can be placed without the invalid or discriminatory application or process, and to this end the provisions of this chapter are deemed to be severable.

SEXUAL HARASSMENT IS AGAINST THE LAW

Sexual harassment is a form of discrimination that occurs when an individual makes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature against his or her victim.

The harasser can be:

- a supervisor of the employee
- a supervisor in another area
- a co-worker
- a non-employee
- the harasser's superior

The harasser against sexual harassment does not only apply to employees. It also applies to labor representatives, management personnel, and individuals who aid and abet in unlawful employment practice.

Sexual harassment occurs when submission to or rejection of the conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

Sexual harassment is a violation of state and federal laws.

Report incidents of harassment to:

Name: _____

Address: _____

Phone: _____

E-mail: _____

If you believe you are or have been the victim of sexual harassment, contact:

RHODE ISLAND COMMISSION FOR HUMAN RIGHTS
180 Westminster Street, Third Floor
Providence, RI 02803
401-222-2681 • TDD: 401-222-2664
Fax: 401-222-2618
www.ricrh.org



NOTICE TO EMPLOYEES —

Rhode Island Parental & Family Medical Leave Act

This notice is to provide you with information on the Rhode Island Parental & Family Medical Leave Act, which requires that employees of 50 or more employees grant an unpaid leave of up to 12 weeks per year to eligible employees to care for a family member who is ill or disabled, or to care for a newborn child, for up to 12 months.

Employee Eligibility

Employees are eligible to apply for leave if they are full-time employees who work an average of 30 hours a week or more and have worked continuously for at least 12 months.

Purpose of Leave

The leave required to be provided under the Act must be for one of the reasons listed below:

Benefits

Prior to the commencement of leave, the employee must provide a written request to the employer indicating the date(s) of leave and the reason for the leave.

Continuation of Health Benefits

Any employee who takes sick leave or other leave of absence for up to 12 weeks will be entitled to continuation of health benefits for the same length of time as the leave.

Return From Leave

Employees who are granted leave under the Act will be required to return to the place of employment to be rehired to the same position held prior to the leave.

Prohibited Acts

The Act makes it illegal for any employer to interfere with, restrain, or punish an employee for requesting or using leave under the Act. Any discrimination or disciplinary action taken against an employee for requesting or using leave under the Act, or for complying with the requirements made mandatory by the Act, is illegal and prohibited.

Entitlement

An employee is entitled to 12 weeks of leave if he or she has worked for the employer for at least 12 months and has worked at least 1,250 hours during the 12 months preceding the leave.

Accrued Vacation

The Act makes it illegal for an employer to deny an employee leave if the employee has accrued enough vacation leave to cover the leave period.

School Enrollment Leave

An employee who has been granted leave under the Act may request to take leave to attend school or to care for a child who is attending school.

Employment and Training Services

If you need help finding a job, the Dept. of Labor and Training offers free employment and training related services including:

• Job referral and placement services

• Job training and placement services

• Career counseling and testing to help assess aptitudes and interests

• Apprenticeship opportunities and training information

• Job search workshops to help you develop an effective resume and cover letter

Visit www.ridol.state.ri.us to find a Center closer to you. You can also access many services on the Internet at www.ridol.state.ri.us.

NOTICE OF RIGHT TO BE FREE FROM DISCRIMINATION BECAUSE OF PREGNANCY, CHILDBIRTH AND RELATED CONDITIONS

State law protects employees and applicants from discrimination based on pregnancy, childbirth and related conditions. Federal laws provide similar protections.

Employees and applicants have the right under state law to request a reasonable accommodation for conditions related to pregnancy, childbirth and related conditions without being retaliated against or discriminated against.

• refuse to take a reasonable accommodation unless it would pose an undue hardship on the respondent's enterprise, business or program;

• require to take a leave if another reasonable accommodation can be granted;

• deny your employment opportunity based on a refusal to provide a reasonable accommodation;

If you want a reasonable accommodation, or if you have been discriminated against based on pregnancy, childbirth and related condition, please contact one of the following staff members:

Name: _____

Phone Number: _____

Email Address: _____

Name: _____

Phone Number: _____

Email Address: _____

If you have been the victim of discrimination based on pregnancy, childbirth and related conditions and/or denial of a reasonable accommodation, contact:

Rhode Island Commission for Human Rights

180 Westminster Street, 3rd Floor

Providence, RI 02803

401-222-2681 • TTY: 401-222-2664

www.ricrh.org

July 2015

DISCRIMINATION IS ILLEGAL

State and federal laws prohibit harassment and discrimination in hiring, terms and conditions, promotion, discharge, salary, benefits, and other aspects of employment including, but not limited to, race, color, religion, sex, national origin, age, disability, or ethnicity. Physical disability or age over 40 is illegal.

"State only" means those employees from whom you may buy your goods or services.

State law also prohibits employers from asking applicants about arrest records, and making it harder to ask about convictions until at a later time in the interview (with certain exceptions).

You have the right to a workplace free of harassment and discrimination.

Report incidents of harassment and discrimination to the Commission for Human Rights and the company representative named below.

Name: _____

Title: _____

Location: _____

Phone: _____

Email: _____

If you believe you are or have been the victim of sexual harassment, contact:

RHODE ISLAND COMMISSION FOR HUMAN RIGHTS
180 Westminster Street, Third Floor
Providence, RI 02803
401-222-2681 • TDD: 401-222-2664
Fax: 401-222-2618
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WE ARE AN EQUAL OPPORTUNITY EMPLOYER

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Rhode Island Department of Labor and Training (DLT) Notice to All Employees – Information Employers Must Post



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