



Human Resources Legal Fact Sheet: Rhode Island

Updated November 2021

Disclaimer: This factsheet summarizes state laws and regulations on a variety of human resource issues for dairy farms, including wages, paystubs, deductions, child labor, and more. It is not intended to provide legal advice. The factsheet is simply an overview of select issues with a high-level explanation of key requirements for each one, with links to more information and resources throughout the document. This factsheet does not include all legal requirements for dairies. It was created in November 2021, and while it will be periodically updated, it may not reflect the current state of the law on every topic covered. Dairies should also review the federal factsheet because employers—depending on size—may be required to comply with some or all of the applicable federal laws and regulations as well. By using this factsheet you understand that there is no attorney-client relationship between you and the attorneys who were involved in developing the factsheet. This factsheet should not be used as a substitute for competent legal advice from a licensed attorney.

Are there Rhode Island state laws for dairy farms about the following?

Hiring

Topic	Answer	Summary
Notice of Payday / Pay Rate ¹	YES	Employers must set regular paydays to pay their employees for services rendered. Employers must notify employees of changes to the scheduled payday at least three paydays in advance, either: <ul style="list-style-type: none"> In writing. By a conspicuously posted notice.
Reporting ²	YES	Employers are required to report newly hired and re-hired employees to the Rhode Island New Hire Reporting Center . All employees need to be reported within 14 days of their hire date, whether they are full-time, part-time, seasonal, or temporary.

Wages

Topic	Answer	Summary
Payday ³	YES	Employers must pay all wages to employees weekly, except when compensation is fixed at a bi-weekly, semi-monthly, monthly, or yearly rate. Generally, employees must be paid no later than 9 days after the close of each pay period. Employers can file a written request with the Rhode Island Department of Labor and Training to pay wages less frequently than weekly when the employer: <ul style="list-style-type: none"> has an average payroll more than 200% of the average compensation of all employees in the state; pays wages regularly on pre-designated dates at least twice per month; gives proof of a surety bond or other security for the highest bi-weekly payroll exposure in the previous year for the employees subject to the petition; and obtains written consent from the collective bargaining representative for all affected employees, if those employees are subject to a collective bargaining agreement;
Final Pay ⁴	YES	Employers must pay a separated employee his or her final wages: <ul style="list-style-type: none"> On the next regular payday. At the usual place of payment. Shorter period when employee separated as a result of liquidating business, merging business, disposing of business, or removing business out of state.
Overtime ⁵	NO	Rhode Island's overtime law exempts anyone employed in agriculture.
Minimum Wage ⁶	YES	Dairy farmers must pay at least the minimum wage .



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		<p>However, minors, 14-15 years old working 24 hours or less may be paid 75% of the minimum wage. If a 14-15 years old works more than 24 hours in a workweek, they must be paid the regular minimum wage for all hours worked. Individuals employed by his/her son, daughter, spouse and services performed by a child under 21 years old for his/her mother or father are also exempt.</p> <p>As of October 1, 2020, Rhode Island minimum wage is \$11.50 per hour. Minimum wage will increase to \$12.25 on January 1, 2022. On January 1, 2023, it will increase to \$13.00 and then increase another \$1.00 per hour each January 1, until reaching \$15.00 in 2025.</p>
Hours Worked ⁷	NO	Except for consideration of break and meal periods, Rhode Island does not address other categories of compensable time.
Reporting Time Pay ⁸	YES	An employer who does not furnish at least three (3) hours work on a shift must pay the employee not less than three (3) times the employee's regular hourly rate. Provided, however, that shifts scheduled for less than three (3) hours are permissible when entered into voluntarily and agreed upon by both the employer and employee. If an employee reports for duty at the beginning of a work shift and the employer offers no work for him or her at all, the employer must still pay the employee no less than three (3) times the regular hourly rate, or the amount they would have earned for any shifts consisting of less than three (3) hours, as allowed.
Pay Stub ⁹	YES	On every regular payday, an employer must provide an employee a statement of the hours worked during the applicable pay period and a record of all deductions made from that employee's gross earnings with an explanation of the basis or reason for such deductions.
Taxes and Withholding ¹⁰	YES	<p>Employers are required to withhold a portion of their employees' wages and to periodically remit those withheld funds to the Division of Taxation.</p> <p>Employers must withhold income tax from the wages of an employee if:</p> <ol style="list-style-type: none"> (1) The employee's wages are subject to federal income tax withholding, and (2) Any part of the wages were for services performed in Rhode Island. <p>Even if the employee's wages are NOT subject to federal income tax withholding, the employer may withhold if the employee so requests.</p> <p>Employers must pay Rhode Island Unemployment Insurance taxes. Certain family employment is excluded from coverage requirements (children under the age of 18 who are working for their parent who is sole proprietor of a business, parents working for their son or daughter who is the sole proprietor of a business). Employers are responsible for paying employment security taxes. More details, here (note new information for calendar year 2021).</p>
Deductions and Allowances ¹¹	YES	Employers must transfer payroll deductions with 21 days of the last day of the month the deduction is taken. Employers must keep records of all deductions, including the reason for the deduction. A notation on the employee's paystub meets this requirement.



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		<p>Employers may deduct monies authorized under federal or state law or by court order, or by written approval from the employee. Deductions may be made upon written request from the employee for the following items:</p> <ul style="list-style-type: none"> • Union or craft dues imposed by a collective bargaining agreement • Contributions under an insurance plan for accident, health, or life coverage • Charitable contributions • Payments to purchase U.S. government bonds or stock of a corporation pursuant to an employee stock purchase plan • Pension plan contributions • Deposits into credit unions • Subscriptions for a nonprofit hospital service corporation or nonprofit medical and/or surgical service corporation • Payment for participation in a vanpool transportation system (provided such participation is voluntary)
Bonuses ¹²	YES	Rhode Island wage law does not cover bonuses (i.e., if an employee claims he was promised a bonus, but has not yet received it, there is no recourse).

Recordkeeping

Topic	Answer	Summary
Payroll ¹³	YES	<p>Employers must keep records for each employee for at least three years. These records must include:</p> <ul style="list-style-type: none"> • The employee's name; • address; occupation; • rate of pay; • The amount paid for each pay period; • The amount deducted from wages; and • The hours worked each day in each workweek.
Personnel File – Employee Access ¹⁴	YES	Employers must provide employee access to their personnel files - which are used or have been used to determine that employee's qualifications for employment, promotion, additional compensation, termination, or disciplinary action - within seven business days. Employees may access their personnel file a maximum of three times per calendar year.
Unemployment Insurance ¹⁵	YES	<p>Employers must keep true and accurate employment records of:</p> <ul style="list-style-type: none"> • all persons employed by him or her, • the weekly hours worked for him or her by each, and • the weekly wages paid by him or her to each person. <p>Employers are also required to submit electronic, quarterly wage reports.</p>
Workers' Compensation ¹⁶	YES / NO	Agricultural employers with workers' compensation coverage must report every personal injury sustained by an employee arising out of and in the course of his or her employment connected and referable to the employment, if that injury proves fatal or incapacitates the employee from earning full wages for a period of at least three (3) days, or requires medical treatment regardless of the period of incapacity. See "Workers' Compensation" under Health and Safety for more information.



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OSHA	YES / NO	Rhode Island follows the federal standard for OSHA recordkeeping and reporting. Refer to federal fact sheet.
Federal	YES / NO	There are numerous federal rules about recordkeeping. Refer to federal fact sheet.

Working Conditions

Topic	Answer	Summary
Bathrooms	YES	Rhode Island regulations closely follow the federal Grade A Pasteurized Milk Ordinance. Rhode Island regulations and the PMO specify that dairy farms have one or more toilets that are conveniently located, properly constructed, properly operated, and maintained in a sanitary manner.
Working Hours	NO	Rhode Island does not specify max hour or day requirements for adults.
Rest and Meal Breaks ¹⁷	YES	Employers must provide the following meal breaks : <ul style="list-style-type: none"> • Employees working a six-hour shift must receive a 20-minute break. • Employees working an eight-hour shift must receive a 30-minute break. This does not include companies employing less than three employees at one site during a shift. These breaks may be unpaid.
Labor Relations ¹⁸	NO	Rhode Island Labor Relations laws do not apply to individuals employed as farm laborers.
Whistleblower Protection ¹⁹	YES	The R.I. Whistleblowers' Protection Act (RIWPA) covers an employee who: <ul style="list-style-type: none"> • reports to a public body or the employer, verbally or in writing, what the employee reasonably believes to be a violation of a state or federal law, rule, or regulation, unless the employee knows or has reason to know that the report is false. • is requested to participate in an investigation, hearing, or inquiry held by a public body or court. • refuses to violate or assist in violating a federal, state, or local law, rule, or regulation. Employers cannot discharge, threaten, or otherwise discriminate against an employee regarding compensation, terms, conditions, location, or privileges of employment.
Paid Sick and Vacation Leave ²⁰	YES	Rhode Island does have a paid sick and safe leave law. Employers with 18 or more employees must provide paid sick and safe leave. Employers with 17 or fewer employees must provide earned sick and safe leave, but it does not need to be paid. <p>Starting in 2020, full-time employees may earn and use up to 40 hours per year. Once annual cap is reached, accrual stops. Employers may elect to offer more.</p> Paid sick and safe leave time shall be provided to an employee by an employer for: <ol style="list-style-type: none"> 1. An employee's mental or physical illness, injury, or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or



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		<p>physical illness, injury, or health condition; an employee's need for preventive medical care;</p> <ol style="list-style-type: none"> 2. Care of a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; care of a family member who needs preventive medical care; 3. Closure of the employee's place of business by order of a public official due to a public health emergency or an employee's need to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency, or care for oneself or a family member when it has been determined by the health authorities having jurisdiction or by a health care provider that the employee's or family member's presence in the community may jeopardize the health of others because of their exposure to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease; or 4. Time off needed when the employee or a member of the employee's family is a victim of domestic violence, sexual assault, or stalking. <p>All employees working for an employer with 18 or more employees must accrue a minimum of one hour of paid sick and safe leave time for every 35 hours worked up to a maximum of 32 hours during calendar year 2019 and up to a maximum of 40 hours per year thereafter, unless the employer chooses to provide a higher annual limit in both accrual and use. More details.</p>
Breaks for Nursing Mothers ²¹	YES	<p>Employers must provide reasonable unpaid break time each day to an employee who needs to breastfeed/express breast milk for an infant child. The break time must, if possible, run concurrently with any break time already provided to the employee. An employer is not required to provide break time if it would create an undue hardship on the operations of the employer.</p> <p>Employers must make a reasonable effort to provide a private, secure and sanitary room or other location near the work area (other than a toilet stall) where an employee can express her milk or breastfeed her child.</p>
Pregnancy Accommodations and Leave ²²	YES	<p>Employers with four or more individuals must provide written notification to new employees of the right to be free from discrimination in relation to:</p> <ul style="list-style-type: none"> • Pregnancy. • Childbirth. • Related conditions. <p>This includes the right to reasonable accommodations for conditions related to pregnancy, childbirth, or related conditions.</p> <p>The written notice must be conspicuously posted in an area accessible to employees at the employer's workplace. A written notice must also be provided to new employees at the commencement of employment, and within ten days after the employee notifies the employer of the employee's pregnancy.</p>



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<p>Family and Medical Leave²³</p>	<p>YES</p>	<p>An eligible employee may take parental and family leave for:</p> <ul style="list-style-type: none"> • The employee's own serious illness. • The serious illness of an employee's family member, including the employee's in-laws. • The birth of the employee's child. • The employee's adoption of a child aged 16 years or younger. <p>This law only applies to employers that employ fifty or more employees. An eligible employee is any full-time employee who works an average of thirty or more hours per week.</p> <p>An eligible employee may take up to 13 consecutive weeks of leave in any two calendar years. An employee who has been employed by the same employer for 12 consecutive months may also take up to ten hours of leave during any 12-month period to attend school conferences or other school-related activities for the employee's child.</p> <p>There is no specific method for calculating leave time.</p> <p>Federal law may also apply. Refer to federal fact sheet for further information.</p>
<p>Military and other Service Leave²⁴</p>	<p>YES</p>	<p>An eligible employee may request family military leave if the employee is a spouse or parent of a person called to state or federal military service lasting longer than 30 days.</p> <p>To be eligible for this leave, an employee must have been employed by the same employer: for at least 12 months; and has at least 1,250 hours of service during the 12-month period immediately before commencing military family leave.</p> <p>An eligible employee may take up to:</p> <ul style="list-style-type: none"> • 15 days of unpaid family military leave, if the employer has between 15 and 50 employees. • 30 days of unpaid family military leave, if the employer has more than 50 employees. <p>An employee may only take family military leave if the employee has exhausted all other leave, except for sick and disability leave.</p> <p>An employee who is a member of the National Guard of any state who is called for military training or service may take a leave of absence to perform the military training or service. The employee's leave of absence for military service must be for the duration of that service. There is no specific method for calculating leave time.</p> <p>Federal law may also apply. Please see federal fact sheet for further information.</p>
<p>Crime Victim and Witness Leave²⁵</p>	<p>YES</p>	<p>An employee may use paid sick and safe leave if the employee or a family member is a victim of domestic violence, sexual assault, or stalking. The employee's use of</p>



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		paid sick and safe leave may not exceed 40 hours during calendar year 2020 and thereafter.
Jury Duty Leave ²⁶	YES	Employees may take leave time for the duration of jury service. Rhode Island law does not specify an amount of leave that may be taken each year. No notice is required. However, the employer may request a copy of the employee's jury duty notice.
Voting Leave ²⁷	NO	R.I. does not have statutory voting leave laws covering private employers.
School Activity Leave ²⁸	YES	Any employee who has been employed by an employer for twelve consecutive months may take up to ten hours of leave during any 12-month period to attend a child's school-related activity. The employee must provide 24 hours prior notice of the leave and make a reasonable effort to schedule the leave so as not to unduly disrupt operations of the employer.

Human Rights

Topic	Answer	Summary
Employment Discrimination ²⁹	YES	<p>The Rhode Island Fair Employment Practices Act (RIFEPA) prohibits employment discrimination based on the following protected classes:</p> <ul style="list-style-type: none"> • Race. • Color. • Religion. • Sex. • Sexual orientation. • Gender identity or expression. • Disability. • Age, if 40 years old or older. • Country of ancestral origin. • Pregnancy, childbirth, or related medical condition. <p>Employers with four or more employees, including any person acting in the interest of an employer, directly or indirectly, are subject to this law.</p> <p>Employers cannot, based on membership in a protected class:</p> <ul style="list-style-type: none"> • Refuse to hire an applicant for employment. • Discharge an employee. • Discriminate regarding: hire; tenure; compensation; terms; conditions; privileges; or any other matter directly or indirectly related to employment. <p>Employers are also prohibited from refusing to reasonably accommodate an employee's or prospective employee's disability, including pregnancy, childbirth, or related medical condition, unless the employer can demonstrate that the accommodation would pose a hardship on the employer's program, enterprise, or business. The Rhode Island Civil Rights of People with Disabilities Act (RIDA) broadly prohibits discrimination against persons with disabilities by any person or entity doing business in the state.</p>



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		<p>All employers doing business in the state are affected by the RIDA. An employer cannot:</p> <ul style="list-style-type: none"> • Deny an otherwise qualified person with a disability the opportunity to participate in or benefit from any aid, benefit, or service. • Afford an otherwise qualified person with a disability an opportunity to participate in or benefit from any aid, benefit, or service that is not equal to that afforded to others. • Provide an otherwise qualified person with a disability with an aid, benefit, or service that is not as effective as that provided to others. • Provide different or separate aid, benefits, or services to otherwise qualified persons with disabilities. • Aid or perpetuate discrimination against an otherwise qualified person with a disability by providing significant assistance to an agency, organization, or person that discriminates based on disability in providing any aid, benefit, or service to beneficiaries of the recipients program. • Deny an otherwise qualified person with a disability the opportunity to participate as a member of planning or advisory boards. • Limit an otherwise qualified person with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving any aid, benefit, or service. <p>Employers are prohibited from discriminating against any employee or applicant based on:</p> <ul style="list-style-type: none"> • The lack of a permanent mailing address. • An address that is a shelter or support center.
<p>Harassment / Sexual Harassment³⁰</p>	<p>YES</p>	<p>Workplace harassment is prohibited by the Rhode Island Fair Employment Practices Act (RIFEPA). The RIFEPA prohibits discrimination based on the protected classes stated above in the Employment Discrimination section. Same-sex harassment is prohibited under Rhode Island law.</p> <p>Sexual harassment is prohibited under the RIFEPA. Sexual harassment is defined as any unwelcome sexual advances or requests for sexual favors, or any other verbal or physical conduct of a sexual nature when:</p> <ul style="list-style-type: none"> • Submission to that conduct or those advances or requests is made either explicitly or implicitly a term or condition of an individual's employment. • Submission to, or rejection of, the conduct or advances or requests by an individual is used as the basis for employment decisions affecting the individual. • The conduct or advances or requests have the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. <p>Employers with 50 or more employees must adopt a policy against sexual harassment and provide employees a written copy of the employer's policy against sexual harassment. Employers with 50 or more employees are encouraged to</p>



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		provide sexual harassment education and training for new employees within one year of employment.
		Federal law may also apply, please see federal fact sheet for further information.
Forced Labor ³¹	YES	It is a crime to traffic an individual by knowingly recruiting, transporting, transferring, harboring, receiving, providing, obtaining, isolating, maintaining, or enticing an individual in furtherance of: <ol style="list-style-type: none"> (1) Forced labor; or (2) Sexual servitude

Child Labor

Topic	Answer	Summary
Child Labor ³²	NO	Rhode Island's Child Labor Law does not cover children employed in agriculture.

Health and Safety

Topic	Answer	Summary
Workers Compensation ³³	YES	<p>The following agricultural employees are subject to worker's comp. coverage requirements:</p> <ul style="list-style-type: none"> • Agricultural employers that employ twenty-five (25) or more farm laborers or agricultural employees for thirteen (13) consecutive weeks are subject to workers' comp. • Agricultural employers who employ twenty-five (25) or more farm laborers or agricultural employees for thirteen (13) consecutive weeks are subject to the workers' compensation for those agricultural enterprises which produce greenhouse crops, fruit and vegetable crops, herbaceous crops, sod crops, viticulture, viniculture, floriculture, feed for livestock, forestry, dairy farming, aquaculture, the raising of livestock, fur-bearing animals, poultry and eggs, bees and honey, mushrooms, and nursery stock. <p>While some agricultural employers may be exempt, it is good practice to obtain coverage. The cost of workers' compensation coverage is often less than expenses that may result from directly paying for medical costs or handling legal costs that arise when a non-covered employee is injured.</p> <p>Agricultural employers who employ twenty-five (25) or more farm laborers or agricultural employees for thirteen (13) consecutive weeks are not subject to the workers' compensation requirements if the farmer or agricultural employer maintains health and disability insurance for all of its farm laborers or agricultural employees, as long as the health and disability insurance premium exceeds the premium for workers' compensation insurance.</p> <p>Every subject employer must report every personal injury sustained by an employee arising out of and in the course of his or her employment connected and referable to the employment, if that injury proves fatal or incapacitates the employee from</p>



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		<p>earning full wages for a period of at least three (3) days, or requires medical treatment regardless of the period of incapacity.</p> <p>If the injury is immediately fatal, the report must be made within forty-eight (48) hours after it occurs; if it proves fatal later, the report must be made within forty-eight (48) hours after death occurs and employer knowledge; if the injury is not fatal, the report must be made within ten (10) days after the injury, or if the incapacity is due to an occupational disease then within ten (10) days after employer knowledge of the incapacity.</p>
OSHA	YES	Rhode Island is not an OSHA State Plan. It follows Federal OSHA standards. Refer to federal fact sheet.
Housing	YES / NO	Rhode Island law does not explicitly address standards for farm-provided permanent agricultural housing, though general landlord/tenant or public health laws may apply. Employers should follow best practices when providing housing – which includes, at minimum, a written housing agreement and properly maintaining the facilities. The FARM HR Manual has guidance around best practices for agricultural worker housing.

¹ R.I. Gen. Laws § 28-14-2.

² R.I. Gen. Laws § 15-24-5.

³ R.I. Gen. Laws § 28-14-2.2(a); R.I. Gen. Laws § 28-14-2.

⁴ R.I. Gen. Laws § 28-14-4(a).

⁵ R.I. Gen. Laws § 28-12-4.3(a).

⁶ R.I. Gen. Laws § 28-12-3; R.I. Gen. Laws § 28-14-2.2(b).

⁷ R.I. Gen. Laws § 28-3-14.

⁸ R.I. Gen. Laws § 28-12-3.2.

⁹ R.I. Gen. Laws § 28-14-2.1(a).

¹⁰ R.I. Gen. Laws Sec. 28-42-1 et seq.

¹¹ R.I. Gen. Law § 28-14-3.1(a); R.I. Gen. Laws § 28-14-2.1(2); R.I. Gen. Laws Sec. 28-14-10; R.I. Gen. Law. § 28-14-3.2

¹² R.I. Gen. Law § 28-14-9.

¹³ R.I. Gen. Laws § 28-12-12.

¹⁴ R.I. Gen. Laws § 28-6.4-1(a)(1); R.I. Gen. Laws § 28-6.4-1(b); R.I. Gen. Laws § 28-6.4-1(a)(4); R.I. Gen. Laws § 28-6.4-2.

¹⁵ R.I. Gen. Laws § 28-42-38.

¹⁶ R.I. Gen. Laws § 28-29-7; R.I. Gen. Laws § 28-29-7.2; R.I. Gen. Laws § 28-32-1.

¹⁷ R.I. Gen. Laws § 28-3-14.

¹⁸ R.I. Gen. Laws § 28-7-3(3)(ii).

¹⁹ R.I. Gen. Laws § 28-50-3; R.I. Gen. Laws § 28-50-2; R.I. Gen. Laws § 28-50-4(a).

²⁰ R.I. Gen. Laws Ann. § 28-14-4(b); R.I. Gen. Laws Ann. § 28-57-1 et seq.

²¹ R.I. Gen. Laws § 23-13.2-1.

²² R.I. Gen. Laws § 28-5-7.4(a) and 28-5-6(8).

²³ R.I. Gen. Laws §§ 28-48-1 and 28-48-2; R.I. Gen. Laws § 28-48-12(a).

²⁴ R.I. Gen. Laws § 30-33-2(4); R.I. Gen. Laws § 30-33-3(a); R.I. Gen. Laws § 30-33-3(b); R.I. Gen. Laws § 30-33-3(d); R.I. Gen. Laws § 30-33-2(1); R.I. Gen. Laws § 30-11-3(a); R.I. Gen. Laws §§ 30-11-3 and 30-11-4.

²⁵ R.I. Gen. Laws § 28-57-6(a)(4); R.I. Gen. Laws § 28-57-5(a).

²⁶ R.I. Gen. Laws § 9-9-28.

²⁷ R.I. Gen. Laws § 17-23-6.

²⁸ R.I. Gen. Laws § 28-48-12(a).

²⁹ R.I. Gen. Laws §§ 28-5-7(1) and 28-5-7.4(a); R.I. Gen. Laws § 28-5-6(8)(i); R.I. Gen. Laws § 28-5-7(1)(i), (ii); R.I. Gen. Laws § 28-5-7(1)(iii) (see Protected Classes Covered); R.I. Gen. Laws §§ 28-5-7(1)(iv) and 28-5-7.4(a)(1); R.I. Gen. Laws § 42-87-2; R.I. Gen. Laws § 42-87-3(1); R.I. Gen. Laws § 34-37.1-3(3).

³⁰ R.I. Gen. Laws §§ 28-5-1 to 28-5-42; R.I. Gen. Laws § 28-5-7(1)(v); 515-RICR-10-00-1.3; R.I. Gen. Laws § 28-51-1; R.I. Gen. Laws § 28-5-7(1); R.I. Gen. Laws § 28-51-2(c).

³¹ R.I. Gen. Laws § 11-67.1-3 and 4.

³² R.I. Gen. Laws § 28-3-8.

³³ R.I. Gen. Laws § 28-29-7; R.I. Gen. Laws § 28-29-7.2; R.I. Gen. Laws § 28-32-1.