

RHODE ISLAND DEPARTMENT OF LABOR AND TRAINING

RULE 9

GRATUITIES AND TIPS

The amount of tips and gratuities customarily received by an individual which is claimed by his/her employer as a credit against the minimum wage for such individual under the laws of the State of Rhode Island and the Rules applicable thereto, shall constitute wages of such individual and shall be reported as such; provided, however, that if in any week of employment the individual, in agreement with his employer shall certify that he/she has received tips and gratuities in an amount exceeding said credit, then such amount shall be reported on the regular quarterly reports required under Rule 6. The said certification shall be retained by the employer and shall be kept with his/her payroll records and a copy shall be furnished to the employee; provided, further, however that if in any week of employment the employer and employee shall disagree on the amount of such tips and gratuities, the Director, or his/her authorized representative, shall determine the amount to be credited to tips and gratuities.

The wages reported for any employee shall in no event be less than the minimum wage provided by law.

[Reference to Employment Security Act: Section 28-42-3(17)]

[Reference to Temporary Disability Insurance Act: Section 28-39-1(15), 28-40-1 and Rule 6]