


Overview of Family Leave Laws in the United States

Please note that these paid sick time materials do not represent an exhaustive overview of the state, county, and city family leave laws described, and it does not constitute legal advice. It is possible that additional provisions not described in these materials may apply to a worker's specific circumstances or category of employment.

 <p>For more information visit A Better Balance (ABetterBalance.org)</p>	Rhode Island
<p>What purposes can leave be used for?</p>	<p>Temporary disability insurance (TDI) can be used for a worker's own serious off-the-job illness or injury.</p> <p>Temporary caregiver insurance (TCI) can be used to (1) bond with a child within one year of the child's birth or placement for foster care or adoption; or (2) care for a family member with a serious health condition.</p>
<p>Who is covered? California, New Jersey, Rhode Island, Washington State, Massachusetts, and Connecticut also provide some coverage for previously covered workers who have a qualifying need for family or medical leave while they are unemployed, while New York and Hawaii also provide some coverage for previously covered workers who have a qualifying need related to the worker's own health. Details vary by state. States that aren't currently implementing their programs will also likely provide some coverage for previously covered workers during unemployment, though final regulations will be needed to specify details</p>	<p>Employees covered by the state unemployment insurance law, except for public employees, are covered.</p>
<p>Are public sector workers automatically covered? Note that no state law covers federal employees.</p>	<p>No. Public employers can opt in to coverage, as can some unions covering public sector workers through the collective bargaining process.</p>
<p>Are domestic workers covered?</p>	<p>Yes, subject to a low minimum payment requirement.</p>
<p>Can self-employed workers opt-in to coverage?</p>	<p>No</p>



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What are the requirements to qualify for benefits?

Workers must have earned wages in 1 quarter of the base period of at least 200 times the minimum wage (currently, \$2,800), must have earned income across the base period of at least 1.5 times the worker's highest earning quarter, and must have earned at least 400 times the minimum wage (currently, \$5,600) over the entire base period. The base period is the first 4 of the 5 most recently completed quarters or the 4 most recent completed quarters. This can combine income from more than one employer.

What family members are covered?

A family member includes a worker's child, parent, parent-in-law or parent of the worker's registered domestic partner, grandparent, spouse, or registered domestic partner.

How is the program funded?

Workers cover the full cost of both TDI and TCI. Both programs are funded by a single payroll deduction, currently set at 1.2% of wages. This deduction does not apply to wages above \$87,000/year.

What percentage of wages do workers receive?

About 60% of a worker's average weekly wage (formally, 4.62% of a worker's wages in the highest earning quarter of the base year). In addition, workers may also be entitled to a dependency allowance for minor children or adult children who are incapacitated due to physical or mental illness.

What is the maximum weekly benefit?

85% of the statewide average weekly wage
Current: \$1,043/week



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For how long can a worker receive benefits?

Own health: Up to 30 weeks in a 52-week period.
Family leave: Up to 6 weeks in a 52-week period.
Total: Up to 30 weeks in a 52-week period.
While technically there is no time limit on receiving benefits, workers cannot receive benefits worth more than 30 times their weekly benefit rate in a year, in effect limiting workers to 30 weeks per year.

Is there an unpaid waiting period?

No.



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Are workers entitled to have their jobs back when they return?

Own health: No.
Family leave: Yes.
The 7-day unpaid waiting period will not apply when a worker uses TDI in the event of a state of emergency declared by the Governor (or when the Commissioner of Health or other public health authority has indicated that one is needed) because the worker has an illness caused by an epidemic of a communicable disease, has a known or suspected exposure to the communicable disease, or is taking efforts to prevent spread of the communicable disease, the worker requires in-home care or treatment due to the issuance of a determination by a healthcare provider or a public health authority that the worker's presence in the community may jeopardize the health of others, and said healthcare provider or public health authority recommends or directs the worker to isolate or quarantine as a result of suspected exposure to a communicable disease. Additionally, the 7-day unpaid waiting period will not apply when a worker uses TDI in the event of organ or bone marrow donation.
Workers may have protections under other laws, such as the FMLA or the Rhode Island Parental and Family Medical Leave Act.
A worker returning from TCI leave must be restored to the worker's prior position or "a position with equivalent seniority, status, employment benefits, pay, and other terms and conditions of employment including fringe benefits and service credits that the employee had been entitled to at the commencement of leave."
Workers who receive health insurance through their employers are entitled to continuation of those benefits while on TCI.



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How is the insurance provided?

All covered workers are covered through the state fund.

Statutory Citation

R.I. Gen. Laws § 28-39-1 et seq.