

EMPLOYMENT LAW SUMMARY

Rhode Island: Employee Leave Laws - Overview



Because You're Different

Employers may provide their employees with various types of paid or unpaid leave as part of their overall compensation packages, including vacation time, personal leave and sick leave. Employers have some flexibility when it comes to establishing or negotiating employee leave policies. However, federal laws such as the Family and Medical Leave Act (FMLA) require covered employers to provide employees with leave in certain situations.

In addition to federal leave laws, Rhode Island has employee leave laws regarding:

- Jury duty leave;
- Holiday and Sunday leave;
- School involvement leave;
- Military leave;
- Family military leave;
- Parental and family medical leave;
- Pregnancy accommodation leave; and
- Paid sick leave.

This Employment Law Summary includes a chart that provides a high-level overview of Rhode Island's employee leave laws. It also suggests compliance steps for employers.

Employers should be aware that the information in the chart below focuses solely on statewide laws, and that local governments across the country have also enacted ordinances that require employers to provide leave to employees. Employers must generally comply with all local and statewide laws that apply.

Also of note to employers is Rhode Island's state-run temporary disability insurance (TDI) and temporary caregiver insurance (TCI) program, funded entirely by employee payroll deductions. TDI provides income support to individuals out of work for nonwork-related illness or injury, while TCI provides cash benefits to care for a seriously ill child, spouse, domestic partner, parent, parent-in-law or grandparent, or for new child bonding. Employers must hold an employee's position or offer a comparable position upon the employee's return. Employers are required to deduct the TDI/TCI tax from employees' wages and send it to the Rhode Island Employer Tax Unit on a quarterly basis. More information can be found at the Rhode Island Department of Labor and Training [website](#).

OVERVIEW OF EMPLOYEE LEAVE LAWS

TYPE OF LEAVE	REQUIREMENTS
Jury Duty Leave	An employer may not terminate or cause an employee to lose wage increases, promotions, longevity benefits or any other payment due to him or her because he or she was called for jury duty. Leave is unpaid .

TYPE OF LEAVE	REQUIREMENTS
Holiday and Sunday Leave	Employers must pay employees one and one-half times the normal rate of pay for work on Sundays and holidays (New Year's Day, Memorial Day, July Fourth, Victory Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving and Christmas). An employee may refuse to work on a Sunday or a holiday. Refusal may not be grounds for discharge or other penalty. Exemptions apply to manufacturing, limousine/taxi and car rental employers.
School Involvement Leave	Employers with 50 or more employees must provide eligible employees with 10 hours of unpaid school involvement leave during any 12-month period. To be eligible, an employee must be employed for 12 consecutive months and provide 24 hours' notice of the leave. Leave may be used to attend school conferences or other school-related activities for the employee's child.
Military Leave	In addition to the Uniformed Services Employment and Reemployment Rights Act (USERRA), Rhode Island provides job protections to members of the state military forces, National Guard and U.S. military reserves. Military members must be provided unpaid leave for military service or training and must be restored to their previous position (or a position of the same status, pay and seniority) after completion.
Family Military Leave	<p>An employer with 15 or more employees must provide unpaid leave to an eligible employee who is the spouse or parent of a person called to military service lasting longer than 30 days. To be eligible, an employee must be employed for at least 12 consecutive months and have worked at least 1,250 hours during the 12-month period preceding the leave.</p> <p>Employers who employ between 15 and 50 employees must provide up to 15 days of leave during the time federal or state orders are in effect.</p> <p>Employers who employ more than 50 employees must provide up to 30 days of leave during the time federal or state orders are in effect.</p> <p>An employee must exhaust all accrued vacation, personal leave, compensatory leave and any other leave available (except sick and disability leave) before taking family military leave. Employees seeking five or more days of leave must provide their employers with at least 14 days' notice. Employees seeking leave for less than five days must give notice as soon as practicable.</p> <p>An employee on family military leave must be able to continue his or her benefits at his or her own expense.</p>
Parental and Family Medical Leave	<p>Employers with 50 or more employees must provide eligible employees with parental and family medical leave. To be eligible, an employee must work an average of 30 or more hours per week and have been employed for at least 12 consecutive months.</p> <p>An eligible employee is entitled to 13 consecutive workweeks of unpaid leave in any two calendar years for:</p> <ul style="list-style-type: none"> • The birth of the employee's child; • The placement of a child who is 16 years old or under with the employee for adoption; or • The serious illness of a family member (including a parent, spouse, child, parent-in-law or the employee). <p>Any employer that allows sick time or sick leave to be used after the birth of a child must allow the same time to be used for the placement of a child who is 16 years of age or under with an employee for adoption.</p> <p>Employers may request that an employee provide written certification from a physician specifying the probable duration of leave.</p> <p>Employee notice and reinstatement rights apply. In addition, an employer must maintain existing health benefits for the duration of leave as if the employee had continued working from the date of leave until the date of return. Prior to the leave, the employee must pay to the employer the amount of the premium required to maintain health benefits during the leave. The employer must return the payment to the employee within 10 days following the employee's return.</p>

TYPE OF LEAVE	REQUIREMENTS
<p>Pregnancy Accommodation</p>	<p>Rhode Island’s Fair Employment Practices Act (FEPA) requires employers with four or more employees to provide reasonable accommodations, which may include unpaid leave, to employees or applicants affected by pregnancy and related conditions. However, an employer may not require a pregnant employee to take leave if another reasonable accommodation can be provided.</p> <p>Covered employers must provide written notice of the law to current employees and to new hires during initial employment. In addition, an employer must provide the notice within 10 days to any employee who notifies the employer she is pregnant.</p>
<p>Paid Sick Leave</p>	<p>All Rhode Island employers must provide sick leave to employees, and those with 18 or more employees must provide paid sick leave. Certain exceptions apply for construction industry employers with multiemployer collective bargaining agreements.</p> <p>Virtually all Rhode Island employees are eligible for either paid sick and safe leave or unpaid, job-protected leave, depending on the size of their employer. In addition, any employee whose primary place of employment is Rhode Island is covered by the law, regardless of where the employer is located. However, the following workers are not covered:</p> <ul style="list-style-type: none"> • Those not considered employees as defined in R.I. General Laws § 28-12-2; • Independent contractors, subcontractors and work study participants as described in 42 U.S.C. § 2753.23; and • Any other individuals not considered employees under the federal Fair Labor Standards Act. <p>Under the law, employees must begin accruing one hour of paid sick leave for every 35 hours worked, up to an annual maximum of 40 hours per calendar year, upon hire. To avoid having to track accruals, employers may front-load the full 40 hours at the start of each year. However, employers may require new employees to satisfy a waiting period of up to 90 days before they may use accrued paid sick leave. The law also requires employers to permit employees to carry over any accrued but unused paid sick leave to the next calendar year. However, employees may be restricted to using only up to 40 hours in each calendar.</p> <p>In general, employees may use paid (or unpaid) sick leave for:</p> <ul style="list-style-type: none"> • Their own mental or physical illness, injury or health condition, including the need for medical diagnosis, care or treatment, and preventive medical care; • Care of their family member with a mental or physical illness, injury or health condition, including the family member’s need for medical diagnosis, care or treatment, and preventive medical care; • Place of business closure by order of a public official due to a public health emergency; • Care for their child whose school or place of care has been closed by order of a public official due to a public health emergency; • Care for themselves, or care for a family member when it has been determined by the health authorities or a health care provider that their presence in the community may jeopardize the health of others due to a communicable disease, regardless of whether the employee or family member actually has the disease; or • Time off needed when they or their family members are victims of domestic violence, sexual assault or stalking. <p>A “family member” includes an employee’s child, parent (including parents-in-law), grandparents, grandchildren, domestic partner, sibling, care recipient or a member of the employee’s household.</p> <p>Employers may require that employees who use three or more consecutive days of paid sick leave provide reasonable documentation that their absence was for a covered purpose. Employers must notify employees in advance, in writing, of the requirement to provide this reasonable documentation.</p>

COMPLIANCE STEPS

It is important for Rhode Island employers to understand when their employees are entitled to take time off from work, and the legal protections associated with such leaves. Employers that violate federal or state leave law requirements may be subject to government investigations, fines, employee lawsuits and significant penalties, fees and damage awards.

To minimize these risks, employers should review applicable federal and state leave law requirements and determine whether they have any compliance gaps to correct. This compliance review may be complex, especially in areas where federal and state leave laws overlap.

As part of the compliance review, employers should confirm that:

- Employee handbooks and written policies and procedures have been updated to accurately describe employee leaves;
- Human resources personnel, as well as managers and supervisors, are educated on how to administer employee leaves and receive ongoing training;
- Employee leaves are administered on a consistent basis, and employees are educated on leave rights and requirements;
- Recordkeeping systems accurately track and document employee leaves; and
- Required notices and posters regarding leave laws are provided.

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