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S T A T E O F R H O D E I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2007

A N A C T

RELATING TO LABOR AND LABOR RELATIONS – PARENTAL AND FAMILY LEAVE -- DOMESTIC PARTNERS

Introduced By: Senators Gibbs, Perry, Miller, Pichardo, and Sosnowski

Date Introduced: February 07, 2007

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

SECTION 1. Section 28-48-1 of the General Laws in Chapter 28-48 entitled "Rhode Island Parental and Family Medical Leave Act" is hereby amended to read as follows:

28-48-1. Definitions. -- As used in this chapter, the following words and terms have the following meanings:

(1) "Director" means the director of the department of labor and training.

(2) "Employee" means any full-time employee who works an average of thirty (30) or more hours per week.

(3) "Employer" means and includes:

(i) any person, sole proprietorship, partnership, corporation, or other business entity that employs fifty (50) or more employees,

(ii) the state of Rhode Island, including the executive, legislative, and judicial branches, and any state department or agency that employs any employees,

(iii) any city or town or municipal agency that employs thirty (30) or more employees, and

(iv) any person who acts directly or indirectly in the interest of any employer.

(4) "Family leave" means leave by reason of the serious illness of a family member.

(5) "Family member" means a parent, spouse, domestic partner, child, child of a domestic partner, mother-in-law, mother of a domestic partner, father-in-law, father of a domestic

partner, or the employee himself or herself, and with respect to employees of the state as defined in subsection (3)(ii), shall include domestic partners as defined in section 36-12-1(3).

(6) "Parental leave" means leave by reason of the birth of a child of an employee or the employee's domestic partner or the placement of a child sixteen (16) years of age or less with an employee or his or her domestic partner in connection with the adoption of the child by the employee or his or her domestic partner.

(7) "Serious illness" means a disabling physical or mental illness, injury, impairment, or condition that involves inpatient care in a hospital, a nursing home, or a hospice, or outpatient care requiring continuing treatment or supervision by a health care provider.

(8) "Domestic partner" means a person who shares an exclusive, intimate and committed relationship of mutual caring with the employee and the employee certifies by affidavit that he or she and his or her domestic partner:

(i) are at least eighteen (18) years of age and mentally competent to contract;

(ii) are not married to anyone else;

(iii) are not related by blood to a degree that would prohibit marriage in the state of Rhode Island;

(iv) reside together and have resided together for at least one year; and

(v) are financially interdependent as evidenced by at least two (2) of the following:

(A) domestic partnership agreement or relationship contract;

(B) joint mortgage or joint ownership of primary residence;

(C) two (2) of:

(I) joint ownership of motor vehicle;

(II) joint checking account;

(III) joint credit account;

(IV) joint lease; and/or

(D) the domestic partner has been designated as a beneficiary for the employee's will, retirement contract or life insurance.

SECTION 2. Sections 28-48-11 and 28-48-12 of the General Laws in Chapter 28-48 entitled "Rhode Island Parental and Family Medical Leave Act" are hereby amended to read as follows:

28-48-11. Use of sick leave for adoptive parents. -- Any employer who allows sick time or sick leave of an employee to be utilized after the birth of a child shall allow the same time to be used for the placement of a child sixteen (16) years of age or less with an employee or his or her domestic partner in connection with the adoption of the child by the employee or his or her

domestic partner.

28-48-12. School involvement leave. -- (a) An employee who has been employed by the same employer for twelve (12) consecutive months shall be entitled to a total of ten (10) hours of leave during any twelve (12) month period to attend school conferences or other school-related activities for a child of whom the employee or his or her domestic partner is the parent, foster parent or guardian.

(b) The employee must provide twenty-four (24) hours prior notice of the leave and make a reasonable effort to schedule the leave so as not to unduly disrupt the operations of the employer.

(c) Nothing in this section shall be construed to require the leave be paid; except that under this section, an employee may substitute any accrued paid vacation leave or other appropriate paid leave for any part of the leave.

SECTION 3. This act shall take effect upon passage.

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EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

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This act would provide domestic partner's and related others with the benefits of the parental and family medical leave act.

This act would take effect upon passage.

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