

2026 -- H 7561

LC004083

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- TEMPORARY DISABILITY
INSURANCE -- BENEFITS

Introduced By: Representatives Voas, Stewart, Potter, Dawson, McNamara, O'Brien,
Boylan, Fogarty, Hull, and J. Lombardi

Date Introduced: February 06, 2026

Referred To: House Labor

It is enacted by the General Assembly as follows:

SECTION 1. Section 28-41-5 of the General Laws in Chapter 28-41 entitled "Temporary
Disability Insurance — Benefits" is hereby amended to read as follows:

28-41-5. Weekly benefit rate — Dependents' allowances. [Effective January 1, 2026.]

(a) Benefit rate.

(1) The benefit rate payable under this chapter to any eligible individual with respect to
any week of the individual's unemployment due to sickness, when that week occurs within a benefit
year, shall be, for benefit years beginning on or after October 7, 1990, and prior to January 1, 2027,
four and sixty-two hundredths percent (4.62%); for benefit years beginning on or after January 1,
2027, and prior to January 1, 2028, five and thirty-eight hundredths percent (5.38%); and for benefit
years beginning on or after January 1, 2028, five and seventy-seven hundredths percent (5.77%) of
the wages paid to the individual in that calendar quarter of the base period in which the individual's
wages were highest; provided, however, that the benefit rate shall not exceed eighty-five percent
(85%) of the average weekly wage paid to individuals covered by chapters 42 — 44 of this title for
the preceding calendar year ending December 31. If the maximum weekly benefit rate is not an
exact multiple of one dollar (\$1.00) then the rate shall be raised to the next higher multiple of one
dollar (\$1.00). Those weekly benefit rates shall be effective throughout the benefit years beginning
on or after July 1 of the year prior to July of the succeeding calendar year.

(2) The benefit rate of any individual, if not an exact multiple of one dollar (\$1.00), shall

1 be raised to the next higher multiple of one dollar (\$1.00).

2 (b) **Dependents' allowances.** An individual to whom benefits for unemployment due to
3 sickness are payable under this chapter with respect to any week, shall, in addition to those benefits,
4 be paid with respect to each week a dependent's allowance of twenty dollars (\$20.00) or seven
5 percent (7%) of the individual's benefit rate payable under subsection (a) of this section, whichever
6 is greater, for each of that individual's children, including adopted and stepchildren or that
7 individual's court-appointed wards who, at the beginning of the individual's benefit year, is under
8 eighteen (18) years of age and who is at that time in fact dependent on that individual. A
9 dependent's allowance shall also be paid to that individual for any child, including an adopted child
10 or a stepchild or that individual's court appointed ward, eighteen (18) years of age or over,
11 incapable of earning any wages because of mental or physical incapacity, and who is dependent on
12 that individual in fact at the beginning of the individual's benefit year, including individuals who
13 have been appointed the legal guardian of that child by the appropriate court. However, in no
14 instance shall the number of dependents for which an individual may receive dependents'
15 allowances exceed five (5) in total. The weekly total of dependents' allowances payable to any
16 individual, if not an exact multiple of one dollar (\$1.00), shall be rounded to the next lower multiple
17 of one dollar (\$1.00). The number of an individual's dependents, and the fact of their dependency,
18 shall be determined as of the beginning of that individual's benefit year; provided, that only one
19 individual shall be entitled to a dependent's allowance for the same dependent with respect to any
20 week. Each individual who claims a dependent's allowance shall establish their claim to it to the
21 satisfaction of the director under procedures established by the director.

22 (c) Any individual's benefit rate and/or dependents' allowance in effect for a benefit year
23 shall continue in effect until the end of that benefit year.

24 (d) **Partial unemployment due to sickness.** For weeks beginning on or after January 1,
25 2006, an individual partially unemployed due to sickness and otherwise eligible in any week shall
26 be paid sufficient benefits with respect to that week, so that their wages, rounded to the next higher
27 multiple of one dollar (\$1.00), and their benefits combined will equal in amount the weekly benefit
28 rate to which the individual would be entitled if totally unemployed due to sickness in that week;
29 provided that an individual must have been totally unemployed due to sickness for at least seven
30 (7) consecutive days prior to claiming partial benefits under this provision; provided, that this
31 provision shall not apply if the individual is entitled to lag day benefits pursuant to § 28-41-9;
32 provided, further, that nothing contained herein shall permit any individual to whom remuneration
33 is payable for any work performed in any week in an amount equal to or greater than his or her
34 weekly benefit rate to receive benefits or waiting period credit for that week.

1 (e) Maternity leave. No employer shall require an employee to utilize accrued sick leave,
2 vacation leave, personal leave, or other paid time off as a condition of eligibility for, or receipt of,
3 benefits under this chapter. An employee may elect, but shall not be required, to use accrued leave
4 concurrently with temporary disability insurance benefits.

5 SECTION 2. Section 28-41-35 of the General Laws in Chapter 28-41 entitled "Temporary
6 Disability Insurance — Benefits" is hereby amended to read as follows:

7 **28-41-35. Benefits. [Effective January 1, 2026.]**

8 (a) Subject to the conditions set forth in this chapter, an employee shall be eligible for
9 temporary caregiver benefits for any week in which the employee is unable to perform their regular
10 and customary work because the employee is:

11 (1) Bonding with a newborn child or a child newly placed for adoption or foster care with
12 the employee or domestic partner in accordance with the provisions of § 28-41-36(c);

13 (2) Caring for a child, parent, parent-in-law, grandparent, spouse, domestic partner, or
14 sibling who has a serious health condition, subject to a waiting period in accordance with the
15 provisions of § 28-41-12 [repealed]. Employees may use accrued sick time during the eligibility
16 waiting period in accordance with the policy of the individual's employer; or

17 (3) Participating as a bone marrow transplant donor or a living organ donor.

18 (b) Temporary caregiver benefits shall be available only to the employee exercising their
19 right to leave while covered by the temporary caregiver insurance program. An employee shall file
20 a written intent with their employer, in accordance with rules and regulations promulgated by the
21 department, with a minimum of thirty (30) days' notice prior to commencement of the family leave.
22 Failure by the employee to provide the written intent may result in delay or reduction in the
23 claimant's benefits, except in the event the time of the leave is unforeseeable or the time of the
24 leave changes for unforeseeable circumstances.

25 (c) Employees cannot file for both temporary caregiver benefits and temporary disability
26 benefits for the same purpose, concurrently, in accordance with all provisions of this act and
27 chapters 39 — 41 of this title.

28 (d) Temporary caregiver benefits may be available to any individual exercising their right
29 to leave while covered by the temporary caregiver insurance program, commencing on or after
30 January 1, 2014, which shall not exceed the individual's maximum benefits in accordance with
31 chapters 39 — 41 of this title. The benefits for the temporary caregiver program shall be payable
32 with respect to the first day of leave taken after the waiting period and each subsequent day of leave
33 during that period of family temporary disability leave. Benefits shall be in accordance with the
34 following:

1 (1) Beginning January 1, 2014, temporary caregiver benefits shall be limited to a maximum
2 of four (4) weeks in a benefit year;

3 (2) Beginning January 1, 2022, temporary caregiver benefits shall be limited to a maximum
4 of five (5) weeks in a benefit year;

5 (3) Beginning January 1, 2023, temporary caregiver benefits shall be limited to a maximum
6 of six (6) weeks in a benefit year;

7 (4) Beginning January 1, 2025, temporary caregiver benefits shall be limited to a maximum
8 of seven (7) weeks in a benefit year; and

9 (5) Beginning January 1, 2026, temporary caregiver benefits shall be limited to a maximum
10 of eight (8) weeks in a benefit year.

11 (e) In addition, no individual shall be paid temporary caregiver benefits and temporary
12 disability benefits that together exceed thirty (30) times the individual's weekly benefit rate in any
13 benefit year.

14 (f) Any employee who exercises their right to leave covered by temporary caregiver
15 insurance under this chapter shall, upon the expiration of that leave, be entitled to be restored by
16 the employer to the position held by the employee when the leave commenced, or to a position with
17 equivalent seniority, status, employment benefits, pay, and other terms and conditions of
18 employment including fringe benefits and service credits that the employee had been entitled to at
19 the commencement of leave.

20 (g) During any caregiver leave taken pursuant to this chapter, the employer shall maintain
21 any existing health benefits of the employee in force for the duration of the leave as if the employee
22 had continued in employment continuously from the date the employee commenced the leave until
23 the date the caregiver benefits terminate; provided, however, that the employee shall continue to
24 pay any employee shares of the cost of health benefits as required prior to the commencement of
25 the caregiver benefits.

26 (h) No individual shall be entitled to waiting period credit or temporary caregiver benefits
27 under this section for any week beginning prior to January 1, 2014. An employer may require an
28 employee who is entitled to leave under the federal Family and Medical Leave Act, Pub. L. No.
29 103-3 and/or the Rhode Island parental and family medical leave act, § 28-48-1 et seq., who
30 exercises their right to benefits under the temporary caregiver insurance program under this chapter,
31 to take any temporary caregiver benefits received, concurrently, with any leave taken pursuant to
32 the federal Family and Medical Leave Act and/or the Rhode Island parental and family medical
33 leave act.

34 (i) Temporary caregiver benefits shall be in accordance with the federal Family and

1 Medical Leave Act (FMLA), Pub. L. No. 103-3 and the Rhode Island parental and family medical
2 leave act in accordance with § 28-48-1 et seq. An employer may require an employee who is entitled
3 to leave under the federal Family and Medical Leave Act, Pub. L. No. 103-3 and/or the Rhode
4 Island parental and family medical leave act, § 28-48-1 et seq., who exercises their right to benefits
5 under the temporary caregiver insurance program under this chapter, to take any temporary
6 caregiver benefits received, concurrently, with any leave taken pursuant to the federal Family and
7 Medical Leave Act and/or the Rhode Island parental and family medical leave act.

8 (j) In the event the individual is participating as a bone marrow transplant donor or a living
9 organ donor, benefits under this section shall cover time needed for any procedures, medical tests,
10 and surgeries related to the donation, including no more than five (5) business days of recovery
11 from a bone marrow transplant or no more than thirty (30) business days' recovery from a living
12 organ donor transplant.

13 (k)(1) Notwithstanding any general or public law to the contrary, an employer may require
14 an employee to use accrued vacation leave or other paid time off concurrently with temporary
15 caregiver insurance benefits.

16 (2) An employer shall not require an employee to exhaust accrued sick leave, vacation
17 leave, vacation leave, personal leave, or other paid time off as a condition of taking temporary
18 caregiver insurance leave or receiving benefits under this chapter.

19 (3) An employee may elect to use accrued leave concurrently with temporary caregiver
20 insurance benefits for the purpose of supplementing wage replacement.

21 SECTION 3. Chapter 28-39 of the General Laws entitled "Temporary Disability Insurance
22 — General Provisions" is hereby amended by adding thereto the following section:

23 **28-39-42. Paid time off exemptions.**

24 Notwithstanding any other provision of law, an employer shall not require an employee to
25 exhaust accrued sick leave, vacation leave, personal leave, or other paid time off as a condition of
26 taking leave or receiving benefits under chapters 39 and 41 of title 39.

27 (b) Nothing in this section shall be construed to prohibit an employee from voluntarily
28 electing to use accrued leave to supplement wage replacement benefits.

29 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO LABOR AND LABOR RELATIONS -- TEMPORARY DISABILITY
INSURANCE -- BENEFITS

- 1 This act would enable employees to no longer have to utilize sick leave, vacation leave,
- 2 personal leave or other paid time off as a condition to their maternity leave.
- 3 This act would take effect upon passage.

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