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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- TEMPORARY DISABILITY
INSURANCE -- GENERAL PROVISIONS

Introduced By: Representatives Giraldo, Alzate, Cruz, Donovan, and Morales

Date Introduced: February 27, 2026

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-39-26 of the General Laws in Chapter 28-39 entitled "Temporary
2 Disability Insurance — General Provisions" is hereby amended to read as follows:

3 **28-39-26. Pecuniary penalty for failure to make contributions or reports.**

4 An employer [or self-employed individual who elects to be covered by this chapter](#) who
5 fails to file any report required under chapters 39 — 41 of this title, or who or that fails or refuses
6 to pay any contributions required under those chapters in the manner and at the times required by
7 the laws and regulations or as the director may, in accordance with those laws and regulations,
8 prescribe, shall pay a penalty of ten dollars (\$10.00) for each failure or refusal to file, and where
9 any contribution is due, shall pay an additional penalty of ten percent (10%) of the amount due.
10 These penalties shall be paid into the temporary disability insurance reserve fund, and shall be in
11 addition to contributions and interest required to be paid as provided in chapters 39 — 41; provided,
12 that if any employer [or self-employed individual who elects to be covered by this chapter](#) fails to
13 pay the penalty, when assessed, it shall be collected by civil action as provided in § 28-40-12.

14 SECTION 2. Sections 28-40-1 and 28-40-9 of the General Laws in Chapter 28-40 entitled
15 "Temporary Disability Insurance — Contributions" are hereby amended to read as follows:

16 **28-40-1. Amount of employee contributions — Wages on which based. [Effective**
17 **January 1, 2026.]**

18 (a) The taxable wage base under this chapter for each calendar year shall be equal to the

1 greater of one hundred thousand dollars (\$100,000) or the annual earnings needed by an individual
2 to qualify for the maximum weekly benefit amount and the maximum duration under chapters 39
3 — 41 of this title. That taxable wage base shall be computed as follows: Every September 30, the
4 maximum weekly benefit amount in effect as of that date shall be multiplied by thirty (30) and the
5 resultant product shall be divided by thirty-six hundredths (.36). If the result thus obtained is not
6 an even multiple of one hundred dollars (\$100), it shall be rounded upward to the next higher even
7 multiple of one hundred dollars (\$100). That taxable wage base shall be effective for the calendar
8 year beginning on the next January 1.

9 (b) Each employee shall contribute with respect to employment after the date upon which
10 the employer becomes subject to chapters 39 — 41 of this title, an amount equal to the fund cost
11 rate times the wages paid by the employer to the employee up to the taxable wage base as defined
12 and computed in subsection (a) of this section. The employee contribution rate for the following
13 calendar year shall be determined by computing the fund cost rate on or before November 15 of
14 each year as follows:

15 (1) The total amount of disbursements made from the fund for the twelve-month (12)
16 period ending on the immediately preceding September 30 shall be divided by the total taxable
17 wages paid by employers during the twelve-month (12) period ending on the immediately
18 preceding June 30. The ratio thus obtained shall be multiplied by one hundred (100) and the
19 resultant product if not an exact multiple of one-tenth of one percent (0.1%) shall be rounded down
20 to the next lowest multiple of one-tenth of one percent (0.1%);

21 (2) If the fund balance as of the preceding September 30 is less than the total disbursements
22 from the fund for the six-month (6) period ending on that September 30, that difference shall be
23 added to the total disbursements for the twelve-month (12) period ending September 30 for the
24 purpose of computing the fund cost rate, and if the resulting fund cost rate is not an exact multiple
25 of one-tenth of one percent (0.1%) it shall be rounded to the nearest multiple of one-tenth of one
26 percent (0.1%).

27 (c) Any self-employed Rhode Island resident who fails to meet the quarterly reporting
28 requirements or make the required quarterly contributions in a timely manner shall be ineligible to
29 receive benefits under chapters 39 — 41 of this title, until such time as that person has satisfied any
30 outstanding payments owed.

31 **28-40-9. Interest on delinquent payments.**

32 (a) Employers who fail to make payment of contributions, as required by chapters 39 —
33 41 of this title, or by the prescribed rules and regulations, shall be additionally liable to the
34 temporary disability insurance reserve fund for interest on those delinquent payments at the rate of

1 one and one-half percent (1½%) per month from the date the payment became due until paid.

2 [\(b\) With respect to self-employed Rhode Island residents with "wages" earned through](#)
3 [their self-employment, those wages shall be considered wages for determining benefits under](#)
4 [chapters 39 — 41 of this title, if the individual has applied for coverage under the temporary](#)
5 [disability insurance program, in accordance with the provisions of § 28-39-3.4.](#)

6 SECTION 3. Sections 28-41-34 and 28-41-35 of the General Laws in Chapter 28-41
7 entitled "Temporary Disability Insurance — Benefits" are hereby amended to read as follows:

8 **28-41-34. Temporary caregiver insurance. [Effective January 1, 2026.]**

9 The purpose of this chapter is to establish, within the state temporary disability insurance
10 program, a temporary caregiver insurance program to provide wage replacement benefits in
11 accordance with the provisions of this chapter, to workers who take time off work to care for a
12 seriously ill child, spouse, domestic partner, sibling, parent, parent-in-law, [care recipient](#)
13 grandparent, [grandchild](#), or to bond with a new child.

14 Definitions as used in this chapter:

15 (1) "Adopted child" means a child adopted by, or placed for adoption with, the employee.

16 (2) "Bonding or bond" means to develop a psychological and emotional attachment
17 between a child and the child's parent(s) or persons who stand in loco parentis. This shall involve
18 being in one another's physical presence.

19 (3) "Bone marrow transplant donor" means an individual from whose body bone marrow
20 is taken to be transferred to the body of another person.

21 [\(4\) "Care recipient" means a person for whom the employee is responsible for providing](#)
22 [or arranging health or safety related care including, but not limited to, helping the person obtain](#)
23 [diagnostic, preventive, routine, or therapeutic health treatment.](#)

24 ~~(4)~~[\(5\)](#) "Child" means a biological, adopted, or foster son or daughter, a stepson or
25 stepdaughter, a legal ward, a son or daughter of a domestic partner, or a son or daughter of an
26 employee who stands in loco parentis to that child.

27 ~~(5)~~[\(6\)](#) "Department" means the department of labor and training.

28 ~~(6)~~[\(7\)](#) "Domestic partner" means a party to a civil union as defined by chapter 3.1 of title
29 15.

30 ~~(7)~~[\(8\)](#) "Employee" means any person who is or has been employed by an employer subject
31 to chapters 39 — 41 of this title and in employment subject to those chapters.\

32 [\(9\) "Grandchild" means the child of the employee's child.](#)

33 ~~(8)~~[\(10\)](#) "Grandparent" means a parent of the employee's parent.

34 ~~(9)~~[\(11\)](#) "Living organ donor" means an individual who donates all or part of an organ and

1 is not deceased.

2 ~~(10)~~(12) “Newborn child” means a child under one year of age.

3 ~~(11)~~(13) “Parent” means a biological, foster, or adoptive parent, a stepparent, a legal
4 guardian, or other person who stands in loco parentis to the employee or the employee’s spouse or
5 domestic partner when they were a child.

6 ~~(12)~~(14) “Parent-in-law” means the parent of the employee’s spouse or domestic partner.

7 ~~(13)~~(15) “Persons who stand in loco parentis” means those with day-to-day responsibilities
8 to care for and financially support a child or, in the case of an employee, who had such
9 responsibility for the employee when the employee was a child. A biological or legal relationship
10 shall not be required.

11 ~~(14)~~(16) “Serious health condition” means any illness, injury, impairment, or physical or
12 mental condition that involves inpatient care in a hospital, hospice, residential healthcare facility,
13 or continued treatment or continuing supervision by a licensed healthcare provider.

14 ~~(15)~~(17) “Sibling” means children with a common parent, including biological siblings,
15 half-siblings, step-siblings, foster siblings, and adopted siblings.

16 ~~(16)~~(18) “Spouse” means a party in a common law marriage, a party in a marriage
17 conducted and recognized by another state or country, or in a marriage as defined by chapter 3 of
18 title 15.

19 **28-41-35. Benefits. [Effective January 1, 2026.]**

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

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

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

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

30 (b) Temporary caregiver benefits shall be available only to the employee exercising their
31 right to leave while covered by the temporary caregiver insurance program. An employee shall file
32 a written intent with their employer, in accordance with rules and regulations promulgated by the
33 department, with a minimum of thirty (30) days’ notice prior to commencement of the family leave.
34 Failure by the employee to provide the written intent may result in delay or reduction in the

1 claimant's benefits, except in the event the time of the leave is unforeseeable or the time of the
2 leave changes for unforeseeable circumstances.

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

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

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

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

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

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

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

23 (6) Beginning January 1, 2027, temporary caregiver benefits shall be limited to a maximum
24 of ten (10) weeks in a benefit year; and

25 (7) Beginning January 1, 2028, temporary caregiver benefits shall be limited to a maximum
26 of twelve (12) weeks in a benefit year.

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

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

1 the commencement of leave.

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

8 (h) No individual shall be entitled to waiting period credit or temporary caregiver benefits
9 under this section for any week beginning prior to January 1, 2014. An employer may require an
10 employee who is entitled to leave under the federal Family and Medical Leave Act, Pub. L. No.
11 103-3 and/or the Rhode Island parental and family medical leave act, § 28-48-1 et seq., who
12 exercises their right to benefits under the temporary caregiver insurance program under this chapter,
13 to take any temporary caregiver benefits received, concurrently, with any leave taken pursuant to
14 the federal Family and Medical Leave Act and/or the Rhode Island parental and family medical
15 leave act.

16 (i) Temporary caregiver benefits shall be in accordance with the federal Family and
17 Medical Leave Act (FMLA), Pub. L. No. 103-3 and the Rhode Island parental and family medical
18 leave act in accordance with § 28-48-1 et seq. An employer may require an employee who is entitled
19 to leave under the federal Family and Medical Leave Act, Pub. L. No. 103-3 and/or the Rhode
20 Island parental and family medical leave act, § 28-48-1 et seq., who exercises their right to benefits
21 under the temporary caregiver insurance program under this chapter, to take any temporary
22 caregiver benefits received, concurrently, with any leave taken pursuant to the federal Family and
23 Medical Leave Act and/or the Rhode Island parental and family medical leave act.

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

29 SECTION 4. Chapter 28-39 of the General Laws entitled "Temporary Disability Insurance
30 — General Provisions" is hereby amended by adding thereto the following section:

31 **28-39-3.4. Non-covered Rhode Island residents eligible by election.**

32 [\(a\) Notwithstanding any inconsistent provisions of chapters 39 — 41 of this title, any self-](#)
33 [employed Rhode Island resident may become subject to those chapters, by filing an enrollment](#)
34 [form with the department in accordance with the rules and regulations established by the](#)

1 department for enrollment. Notwithstanding any other provisions of chapters 39 — 41 of this title
2 to the contrary, self-employed Rhode Island residents, that do not have otherwise qualifying wages
3 from prior employment within the base period, will not be eligible for benefits under those chapters,
4 until the completion of twelve (12) months of contributions has been made to participation in the
5 program provided in § 28-40-1. Except as otherwise provided in this title, all other provisions of
6 these chapters shall continue to be applicable in connection with the employment.

7 (b) Any self-employed Rhode Island resident who fails to meet the quarterly reporting
8 requirements or make the required quarterly contributions in a timely manner, shall be ineligible to
9 receive benefits under chapters 39 — 41 of this title until such time as that person has satisfied any
10 outstanding payments in this regard.

11 SECTION 5. 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 -- GENERAL PROVISIONS

1 This act would expand the benefit definitions of temporary care giver leave to include a
2 grandchild and care recipient. This act would further increase a leave benefits period to ten (10)
3 weeks for 2027 and twelve (12) weeks for 2028 and provide a TDI/TCI opt-in option for self-
4 employed workers.

5 This act would take effect upon passage.

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