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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 -- GENERAL PROVISIONS

Introduced By: Senators Vargas, Thompson, LaMountain, Quezada, Lauria, DiPalma,
Pearson, Kallman, Mack, and Burke

Date Introduced: March 04, 2026

Referred To: Senate Labor & Gaming

It is enacted by the General Assembly as follows:

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

3 **28-39-2. Definitions.**

4 The following words and phrases, as used in chapters 39 — 41 of this title, have the
5 following meanings unless the context clearly requires otherwise:

6 (1) "Average weekly wage" means the amount determined by dividing the individual's
7 total wages earned for services performed in employment within his or her base period by the
8 number of that individual's credit weeks within the base period.

9 (2) "Base period" with respect to an individual's benefit year when the benefit year begins
10 on or after October 7, 1990, means the first four (4) of the most recently completed five (5) calendar
11 quarters immediately preceding the first day of an individual's benefit year; provided, that for any
12 individual's benefit year when the benefit year begins on or after October 4, 1992, and for any
13 individual deemed monetarily ineligible for benefits under the "base period" as defined in this
14 subdivision, the department shall make a re-determination of entitlement based upon an alternate
15 base period that consists of the last four (4) completed calendar quarters immediately preceding the
16 first day of the claimant's benefit year. Notwithstanding anything contained to the contrary in this
17 subdivision, the base period shall not include any calendar quarter previously used to establish a
18 valid claim for benefits; provided, however, that the "base period" with respect to members of the

1 United States military service, the Rhode Island National Guard, or a United States military reserve
2 force, and who served in a United States declared combat operation during their military service,
3 who file a claim for benefits following their release from their state or federal active military service
4 and who are deemed to be monetarily ineligible for benefits under this section, shall mean the first
5 four (4) of the most recently completed five (5) calendar quarters immediately preceding the first
6 day the individual was called into that state or federal active military service; provided, that for any
7 individual deemed monetarily ineligible for benefits under the “base period” as defined in this
8 section, the department shall make a re-determination of entitlement based upon an alternative base
9 period that consists of the last four (4) completed calendar quarters immediately preceding the first
10 day the claimant was called into that state or federal active military service. Notwithstanding any
11 provision of this section of the general or public laws to the contrary, the base period shall not
12 include any calendar quarter previously used to establish a valid claim for benefits.

13 (3) “Benefit” means the money payable, as provided in chapters 39 — 41 of this title, to an
14 individual as compensation for his or her unemployment caused by sickness.

15 (4) “Benefit credits” means the total amount of money payable to an individual as benefits,
16 as provided in § 28-41-7.

17 (5) “Benefit rate” means the money payable to an individual as compensation, as provided
18 in chapters 39 — 41 of this title, for his or her wage losses with respect to any week during which
19 his or her unemployment is caused by sickness.

20 (6) “Benefit year” with respect to any individual who does not already have a benefit year
21 in effect, and who files a valid claim for benefits as of November 16, 1958, or any later date, means
22 fifty-two (52) consecutive calendar weeks, the first of which shall be the week containing the day
23 as of which he or she first files that valid claim in accordance with regulations adopted as
24 subsequently prescribed; provided, that for any benefit year beginning on or after October 7, 1990,
25 the benefit year shall be fifty-three (53) consecutive calendar weeks if the subsequent filing of a
26 new valid claim immediately following the end of a previous benefit year would result in the
27 overlapping of any quarter of the base period of the prior new claim. In no event shall a new benefit
28 year begin prior to the Sunday next following the end of the old benefit year.

29 (i) For benefit years that begin on or after July 1, 2012, an individual’s benefit year will
30 begin on the Sunday of the calendar week in which an individual first became unemployed due to
31 sickness and for which the individual has filed a valid claim for benefits.

32 (7) “Board” means the board of review as created under chapter 16.1 of title 42.

33 (8) “Calendar quarter” has the same definition as contained in chapter 42 of this title.

34 (9) “Credit week” means any week within an individual’s base period in which that

1 individual earns wages amounting to at least twenty (20) times the minimum hourly wage as
2 defined in chapter 12 of this title, for performing services in employment for one or more employers
3 subject to chapters 39 — 41 of this title.

4 (10) “Director” means the director of the department of labor and training.

5 (11) “Employee” means any person who is or has been employed by an employer subject
6 to chapters 39 — 41 of this title and in employment subject to those chapters.

7 (12) “Employer” means any employing unit that is an employer under chapters 42 — 44
8 of this title.

9 (13) “Employing unit” has the same definition as contained in chapter 42 of this title and
10 includes any governmental entity that elects to become subject to the provisions of chapters 39 —
11 41 of this title, in accordance with the provisions of §§ 28-39-3.1 and 28-39-3.2.

12 (14) “Employment” has the same definition as contained in chapter 42 of this title and
13 notwithstanding any provision of the general laws to the contrary, for purposes of this chapter the
14 term “employment” shall include service performed by any individual in the employ of the State
15 of Rhode Island, including all departments, agencies, boards, commissions, and instrumentalities
16 thereof, whether such service is performed on a full-time, part-time, seasonal, or temporary basis,
17 unless specifically excluded under this chapter.

18 (15) “Employment office” has the same definition as contained in chapter 42 of this title.

19 (16) “Fund” means the Rhode Island temporary disability insurance fund established by
20 this chapter.

21 (17) “Partial unemployment due to sickness.” For weeks beginning on or after January 1,
22 2006, an individual shall be deemed partially unemployed due to sickness in any week of less than
23 full-time work if he or she fails to earn in wages for services for that week an amount equal to the
24 weekly benefit rate for total unemployment due to sickness to which he or she would be entitled if
25 totally unemployed due to sickness and eligible.

26 (i) For the purposes of this subdivision and subdivision (22) of this section, “Wages”
27 includes only that part of remuneration for any work, which is in excess of one-fifth ($\frac{1}{5}$) of the
28 weekly benefit rate for total unemployment, rounded to the next lower multiple of one dollar
29 (\$1.00), to which the individual would be entitled if totally unemployed and eligible in any one
30 week, and “services” includes only that part of any work for which remuneration in excess of one-
31 fifth ($\frac{1}{5}$) of the weekly benefit rate for total unemployment, rounded to the next lower multiple of
32 one dollar (\$1.00), to which the individual would be entitled if totally unemployed and eligible in
33 any one week is payable; provided, that nothing contained in this paragraph shall permit any
34 individual to whom remuneration is payable for any work performed in any week in an amount

1 equal to, or greater than, his or her weekly benefit rate to receive benefits under this subdivision
2 for that week.

3 (18) "Reserve fund" means the temporary disability insurance reserve fund established by
4 § 28-39-7.

5 (19) "Services" means all endeavors undertaken by an individual that are paid for by
6 another or with respect to which the individual performing the services expects to receive wages or
7 profits.

8 (20) "Sickness." An individual shall be deemed to be sick in any week in which, because
9 of his or her physical or mental condition, including pregnancy, he or she is unemployed and unable
10 to perform his or her regular or customary work or services.

11 (21)(i) "Taxes" means the money payments required by chapters 39 — 41 of this title, to
12 be made to the temporary disability insurance fund or to the temporary disability insurance reserve
13 fund.

14 (ii) Wherever and whenever in chapters 39 — 41 of this title, the words "contribution"
15 and/or "contributions" appear, those words shall be construed to mean the "taxes," as defined in
16 this subdivision, that are the money payments required by those chapters to be made to the
17 temporary disability insurance fund or to the temporary disability insurance reserve fund.

18 (22) "Wages" has the same definition as contained in chapter 42 of this title; provided, that
19 no individual shall be denied benefits under chapters 39 — 41 of this title because his or her
20 employer continues to pay to that individual his or her regular wages, or parts of them, while he or
21 she is unemployed due to sickness and unable to perform his or her regular or customary work or
22 services. The amount of any payments, whether or not under a plan or system, made to or on behalf
23 of an employee by his or her employer after the expiration of six (6) calendar months following the
24 last calendar month in which the employee performed actual bona fide personal services for his or
25 her employer, shall not be deemed to be wages either for the purpose of paying contributions
26 thereon under chapter 40 of this title, or for the purpose of being used as a basis for paying benefits
27 under chapter 41 of this title.

28 (23) "Week" has the same definition as contained in chapter 42 of this title.

29 SECTION 2. Chapter 28-41 of the General Laws entitled "Temporary Disability Insurance
30 — Benefits" is hereby amended by adding thereto the following section:

31 **28-41-43. Mandatory coverage of state employees.**

32 [\(a\) Notwithstanding the provisions of § 28-39-3 to the contrary, effective January 1, 2027,](#)
33 [the State of Rhode Island shall be deemed an employer for purposes of this chapter and shall](#)
34 [participate in the temporary disability insurance program administered by the department of labor](#)

1 and training.

2 (b) All employees of the State of Rhode Island shall be covered under the temporary
3 disability insurance program and shall be eligible for benefits in the same manner and subject to
4 the same conditions as other covered employees under this chapter.

5 (c) The state shall remit employer and employee contributions to the temporary disability
6 insurance fund in accordance with any applicable provision of this chapter or title 28.

7 (d) Payroll deductions for employee contributions shall be made in the same manner as
8 required of other employers subject to this chapter.

9 (e) The director of the department of labor and training is authorized to promulgate rules
10 and regulations necessary to implement the provisions of this section.

11 (f) The provisions of this section shall apply notwithstanding the provisions of any
12 collective bargaining agreement entered into prior to the effective date of this section; provided,
13 however, that nothing herein shall prohibit the negotiation of supplemental disability benefits
14 through collective bargaining.

15 (g) The general treasurer, in coordination with the department of administration and the
16 department of labor and training, shall take all administrative steps necessary to ensure
17 implementation of this section, including modification of payroll systems and contribution
18 reporting mechanisms.

19 SECTION 3. This act shall take effect on January 1, 2027, and shall apply to wages earned
20 on or after that date.

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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 provide that Rhode Island state employees be eligible for temporary
2 disability insurance effective January 1, 2027.

3 This act would take effect on January 1, 2027, and would apply to wages earned on or after
4 that date.

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