AN ACT

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

Introduced By: Representatives Giraldo, Kazarian, Casimiro, Alzate, Potter, Voas, Stewart, Cruz, Boylan, and Morales
Date Introduced: January 11, 2024
Referred To: House Labor

It is enacted by the General Assembly as follows:

SECTION 1. Sections 28-41-5 and 28-41-35 of the General Laws in Chapter 28-41 entitled "Temporary Disability Insurance — Benefits" are hereby amended to read as follows:


(a)(1) Benefit rate. The benefit rate payable under this chapter to any eligible individual with respect to any week of his or her unemployment due to sickness, when that week occurs within a benefit year, shall be, for benefit years beginning on or after October 7, 1990, four and sixty-two hundredths percent (4.62%) 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 through 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 be raised to the next higher multiple of one dollar ($1.00).

(b) Dependents’ allowances. An individual to whom benefits for unemployment due to sickness are payable under this chapter with respect to any week, shall, in addition to those benefits,
be paid with respect to each week a dependent’s allowance of ten dollars ($10.00) or seven percent (7%), whichever is greater, for each of that individual’s children, including adopted and stepchildren or that individual’s court-appointed wards who, at the beginning of the individual’s benefit year, is under eighteen (18) years of age and who is at that time in fact dependent on that individual. A dependent’s allowance shall also be paid to that individual for any child, including an adopted child or a stepchild or that individual’s court-appointed ward, eighteen (18) years of age or over, incapable of earning any wages because of mental or physical incapacity, and who is dependent on that individual in fact at the beginning of the individual’s benefit year, including individuals who have been appointed the legal guardian of that child by the appropriate court. However, in no instance shall the number of dependents for which an individual may receive dependents’ allowances exceed five (5) in total. The weekly total of dependents’ allowances payable to any individual, if not an exact multiple of one dollar ($1.00), shall be rounded to the next lower multiple of one dollar ($1.00). The number of an individual’s dependents, and the fact of their dependency, shall be determined as of the beginning of that individual’s benefit year; provided, that only one individual shall be entitled to a dependent’s allowance for the same dependent with respect to any week. Each individual who claims a dependent’s allowance shall establish his or her claim to it to the satisfaction of the director under procedures established by the director.

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

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


(a) Subject to the conditions set forth in this chapter, an employee shall be eligible for temporary caregiver benefits for any week in which he or she is unable to perform his or her regular
and customary work because he or she is:

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

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

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

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

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

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

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

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

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

(5) Beginning January 1, 2026, temporary caregiver benefits shall be limited to a maximum of eight (8) weeks in a benefit year.
(e) In addition, no individual shall be paid temporary caregiver benefits and temporary
disability benefits that together exceed thirty (30) times his or her weekly benefit rate in any benefit
year.

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

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

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

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

SECTION 2. This act shall take effect on January 1, 2025.
This act would make care recipients eligible for temporary caregiver benefits and increase the maximum temporary caregiver benefit weeks from six (6) to eight (8) weeks over a period of two years. This act would take effect on January 1, 2025.