

2013 -- H 5621

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LC01739  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS - TEMPORARY DISABILITY  
BENEFITS

Introduced By: Representatives Tomasso, Cimini, Messier, Williams, and Guthrie

Date Introduced: February 27, 2013

Referred To: House Finance

It is enacted by the General Assembly as follows:

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

3 **28-41-5. Weekly benefit rate -- Dependents' allowances.** -- (a) (1) Benefit rate. - The  
4 benefit rate payable under this chapter to any eligible individual with respect to any week of his  
5 or her unemployment due to sickness, when that week occurs within a benefit year, shall be, for  
6 benefit years beginning on or after October 7, 1990, four and sixty-two hundredths percent  
7 (4.62%) of the wages paid to the individual in that calendar quarter of the base period in which  
8 the individual's wages were highest; provided, however, that the benefit rate shall not exceed  
9 eighty-five percent (85%) of the average weekly wage paid to individuals covered by chapters 42  
10 -- 44 of this title for the preceding calendar year ending December 31. If the maximum weekly  
11 benefit rate is not an exact multiple of one dollar (\$1.00) then the rate shall be raised to the next  
12 higher multiple of one dollar (\$1.00). Those weekly benefit rates shall be effective throughout the  
13 benefit years beginning on or after July 1 of the year prior to July of the succeeding calendar year.

14 (2) The benefit rate of any individual, if not an exact multiple of one dollar (\$1.00), shall  
15 be raised to the next higher multiple of one dollar (\$1.00).

16 (b) Dependents' allowances. - An individual to whom benefits for unemployment due to  
17 sickness are payable under this chapter with respect to any week, shall, in addition to those  
18 benefits, be paid with respect to each week a dependent's allowance of ten dollars (\$10.00) or

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

18 (c) Any individual's benefit rate and/or dependents' allowance in effect for a benefit year  
19 shall continue in effect until the end of that benefit year unless the individual provides proof of a  
20 change in dependency status during the benefit year. When an individual requests to add a  
21 dependent to a claim during an existing benefit year, the change in the dependent's allowance  
22 shall be effective as of the calendar week in which the proof of the new dependent is provided to  
23 the department.

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 his or her wages, rounded to the next  
27 higher multiple of one dollar (\$1.00), and his or her benefits combined will equal in amount the  
28 weekly benefit rate to which he or she would be entitled if totally unemployed due to sickness in  
29 that week; provided that an individual must have been totally unemployed due to sickness for at  
30 least seven (7) consecutive days prior to claiming partial benefits under this provision; provided,  
31 that this provision shall not apply if the individual is entitled to lag day benefits pursuant to  
32 section 28-41-9; provided, further, that nothing contained herein shall permit any individual to  
33 whom remuneration is payable for any work performed in any week in an amount equal to or  
34 greater than his or her weekly benefit rate to receive benefits or waiting period credit for that

1 week.

2 SECTION 2. 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  
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1           This act would provide that when an unemployed worker who is receiving unemployment  
2 benefits requests to add a dependent to a claim during an existing benefit year, the proposed  
3 change shall become effective in the calendar week when the proof of the new dependent is  
4 provided to the department of labor and training.

5           This act would take effect upon passage.

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