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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS-HEALTHY AND SAFE FAMILIES  
AND WORKPLACES ACT

Introduced By: Representatives Regunberg, Maldonado, Craven, Serpa, and DeSimone

Date Introduced: February 12, 2016

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. The General Assembly hereby finds and declares that:

2 (1) Most Rhode Islanders will at some time during each year need limited time off from  
3 work to take care of their own health needs or the health needs of their family members.

4 (2) Nationally, nearly forty percent (40%) of private sector employees do not have any  
5 paid sick leave. In Rhode Island, access to paid sick leave is slightly lower than the national  
6 average. Nearly one hundred seventy thousand (170,000) Rhode Islanders who work in the  
7 private sector or forty-one and a half percent (41.5%) of all private sector employees in Rhode  
8 Island, lack paid leave.

9 (3) Employees' access to paid sick leave varies significantly by wage level and race.  
10 Nationally, only one in five of the lowest-income employees, (twenty-two percent (22%)) has  
11 access to paid sick leave, compared to eighty-six percent (86%) of the highest-income employees.  
12 In addition, Hispanic and African American employees are less likely to have access to paid sick  
13 leave than white employees. Less than half of Hispanic employees (forty-nine percent (49%)) and  
14 only sixty percent (60%) of African American employees have access to paid sick leave,  
15 compared to sixty-four percent (64%) of white employees.

16 (4) Providing employees time off to attend to their own health care and the health care of  
17 family members will ensure a healthier and more productive workforce in the State of Rhode  
18 Island.

1 (5) More than seventy-six percent (76%) of children in Rhode Island are in families  
2 where all parents work, which means that parents without paid sick leave must lose income and  
3 risk losing their jobs when a child is ill or is in need of medical care.

4 (6) In the state of Rhode Island, one hundred thirty-four thousand (134,000) people serve  
5 as caregivers for family members, work which has an aggregate value of nearly one billion, eight  
6 hundred million dollars (\$1,800,000,000) per year. Nationally, sixty-nine percent (69%) of  
7 employees who juggle work with caregiving responsibilities have reported the need to decrease  
8 hours or take unpaid leave to provide care for a family member. Working family caregivers  
9 cannot adequately care for their relatives without access to paid sick leave.

10 (7) Paid sick leave will have a positive effect on the individuals and the overall public  
11 health of Rhode Island by allowing employees to earn a limited number of hours per year to care  
12 for themselves or a family member when illness strikes or medical needs arise. Earned paid sick  
13 leave will reduce recovery time, promote the use of regular medical providers rather than hospital  
14 emergency departments, and reduce the likelihood of people spreading illness to other members  
15 of the workforce and to the public.

16 (8) Paid sick leave will allow parents to provide personal care for their sick children.  
17 Parental care reduces their child's recovery time and can prevent future health problems. Parents  
18 who do not have paid sick leave are more than twice as likely as parents with paid sick leave to  
19 send a sick child to school or daycare. In addition parents who do not have paid sick leave are  
20 five (5) times more likely to report taking their child or a family member to a hospital emergency  
21 room because they were unable to take time off work during their regular work hours.

22 (9) Providing a minimal amount of paid sick leave is affordable for employers and good  
23 for business.

24 (10) Paid sick leave is good for businesses. Paid sick leave results in reduced employee  
25 turnover, which leads to reduced costs incurred from advertising, interviewing and training new  
26 hires. Replacing employees can cost the employer approximately twenty-one percent (21%)  
27 percent of an employee's annual compensation.

28 (11) Earned paid sick leave will reduce the risk of "presenteeism" employees coming to  
29 work with illnesses and health conditions that reduce their productivity a problem that costs the  
30 national economy one hundred sixty billion dollars (\$160,000,000,000) annually (two hundred  
31 seven billion dollars (\$207,000,000,000) after adjusting for inflation).

32 (12) Earned paid sick leave will level the playing field by enabling smaller companies  
33 which want to provide earned paid sick leave an opportunity to compete with larger companies.

34 (13) Earned paid sick leave will reduce contagion. Employees in jobs with high levels of

1 public contact, such as restaurant employees and child care workers, are very unlikely to have  
2 paid sick leave. As a result, these employees may have no choice but to go to work when they are  
3 ill, thereby increasing the risk of passing illnesses on to co-workers and customers while also  
4 jeopardizing their own health. Overall, people without paid sick leave are one and a half (1.5)  
5 times more likely than people with paid sick leave to go to work with a contagious illness like the  
6 flu.

7 (14) A peer-reviewed epidemiological study found that nearly one in five food service  
8 employees had reported for work vomiting or with diarrhea in the past year, creating dangerous  
9 health conditions. The largest national survey of U.S. restaurant employees found that two-thirds  
10 (2/3) of restaurant wait staff and cooks have been ill when reporting for work.

11 (15) In the event of an outbreak that presents a threat to public health for example, the  
12 H1N1 outbreak of 2009 government officials request that sick employees stay home and keep  
13 sick children home from school or child care to prevent the spread of the virus, and to safeguard  
14 workplace productivity. However, because many employees lack paid sick leave, they may be  
15 unable to comply.

16 (16) During the height of the H1N1 pandemic, employees without access to paid sick  
17 leave were more likely than those with access to paid sick leave to go to work sick, and as a  
18 result, the pandemic lasted longer in their workplaces as the virus spread from co-worker to co-  
19 worker. One study estimates that lack of paid sick leave was responsible for five million  
20 (5,000,000) cases of influenza-like illness during the pandemic.

21 (17) More than one in four American women report having experienced a negative  
22 impact from sexual violence, physical violence and/or stalking by an intimate partner at some  
23 point in their lives. Five million seven hundred thousand (5,700,000) women reported having  
24 experienced intimate partner-related physical assaults and rapes in the last twelve (12) months. In  
25 a national survey, nearly two million four hundred thousand (2,400,000) men reported having  
26 experienced severe physical violence by an intimate partner in the previous twelve (12) months.  
27 Many employees need time away from their jobs to care for their health after these incidents or to  
28 find solutions, such as obtaining a restraining order or new housing, to avoid or prevent physical  
29 or sexual abuse.

30 (18) Survivors of domestic and sexual violence are forced to lose days of paid  
31 employment because of the violence they face. According to surveys from the Bureau of Justice  
32 Statistics, thirty-six percent (36%) of rape or sexual assault victims lost more than ten (10) days  
33 of work following victimization, and more than half of stalking victims lost five (5) or more days  
34 of work. Each year, victims of domestic violence are forced to miss nearly eight million

1 (8,000,000) days of paid work, costing more than seven hundred million dollars (\$7,000,000)  
2 annually due to victims' lost productivity in employment.

3 (19) Without job protection, survivors are in grave danger of losing their jobs. Between  
4 twenty-five percent (25%) and fifty (50%) percent of domestic violence survivors report job loss,  
5 due at least in part to the domestic violence. Loss of employment can be particularly devastating  
6 for survivors of domestic violence, who often need economic security to ensure their and their  
7 children's safety.

8 SECTION 2. TITLE 28 of the General Laws entitled "LABOR AND LABOR  
9 RELATIONS" is hereby amended by adding thereto the following chapter:

10 CHAPTER 57

11 HEALTHY AND SAFE FAMILIES AND WORKPLACES ACT

12 **28-57-1. Short title.** -- This chapter shall be known and may be cited as the "Healthy and  
13 Safe Families and Workplaces Act."

14 **28-57-2. Legislative purpose.** -- The purpose of this chapter is:

15 (1) To ensure that all employees in Rhode Island can address their own health and safety  
16 needs, as well as the health and safety needs of their family members, by requiring employers to  
17 provide a minimum level of paid sick leave including time to care for their family members;

18 (2) To diminish public and private health care costs and promote preventive health  
19 services in Rhode Island by enabling employees to seek early and routine medical care for  
20 themselves and their family members;

21 (3) To protect the public health in Rhode Island by reducing the risk of contagion;

22 (4) To promote the economic security and stability of employees and their families;

23 (5) To protect employees in Rhode Island from losing their jobs or facing workplace  
24 discipline for using paid sick and safe leave to care for themselves or their families;

25 (6) To assist victims of domestic violence, sexual assault, or stalking and their family  
26 members by providing them with job-protected time away from work to allow them to receive  
27 treatment and to take the necessary steps to ensure their protection;

28 (7) To safeguard the public welfare, health, safety and prosperity of the people of Rhode  
29 Island; and

30 (8) To accomplish the purposes described above in a manner that is feasible for  
31 employers.

32 **28-57-3. Definitions.** -- As used in the chapter, the following words and terms have the  
33 following meanings:

34 (1) "Department" means the department of labor and training.

1           (2) "Domestic partner" has the same meaning as that term is defined in §8-8.2-20.

2           (3) "Domestic violence" means certain crimes when committed by one family or  
3 household member against another as defined in §12-29-2.

4           (4) "Employee" means any person suffered or permitted to work by an employer, except  
5 that independent contractors or subcontractors shall not be considered employees.

6           (5) "Employer" includes any individual, partnership, association, corporation, business  
7 trust, or any person or group of persons acting directly or indirectly in the interest of an employer,  
8 in relation to an employee as defined in §28-12-2.

9           (6) "Family member" means:

10           (i) Regardless of age, a biological, adopted or foster child, stepchild or legal ward, a  
11 child of a domestic partner, a child to whom the employee stands in loco parentis, or an  
12 individual to whom the employee stood in loco parentis when the individual was a minor;

13           (ii) A biological, foster, stepparent or adoptive parent or legal guardian of an employee's  
14 spouse or domestic partner or a person who stood in loco parentis when the employee or  
15 employee's spouse or domestic partner was a minor child;

16           (iii) A person to whom the employee is legally married under the laws of any state, or a  
17 domestic partner of an employee;

18           (iv) A grandparent, grandchild or sibling (whether of a biological, foster, adoptive or step  
19 relationship) of the employee or the employee's spouse or domestic partner; or

20           (v) Any other individual related by blood or affinity whose close association with the  
21 employee is the equivalent of a family relationship.

22           (7)"Health care professional" means any person licensed under federal or Rhode Island  
23 law to provide medical or emergency services, including, but not limited to, doctors, nurses, and  
24 emergency room personnel.

25           (8) "Paid sick leave" or "paid sick and safe leave" means time that is compensated at the  
26 same hourly rate and with the same benefits, including health care benefits, as the employee  
27 normally earns during hours worked and is provided by an employer to an employee for the  
28 purposes described in §28-57-4, but in no case shall the hourly wage paid leave be less than that  
29 provided under §28-12-3.

30           (9) "Retaliatory personnel action" means denial of any right guaranteed under this chapter  
31 and any threat, discharge, suspension, demotion, reduction of hours, reporting or threatening to  
32 report an employee's suspected citizenship or immigration status, or the suspected citizenship or  
33 immigration status of a family member of the employee to a federal, state or local agency, or any  
34 other adverse action against an employee for the exercise of any right guaranteed herein including

1 any sanctions against an employee who is the recipient of public benefits for rights guaranteed  
2 under this chapter. Retaliatory personnel action shall also include interference with or punishment  
3 for in any manner participating in or assisting an investigation, proceeding, or hearing under this  
4 chapter.

5 (10) "Sexual contact" means the intentional touching of the victim's or accused's intimate  
6 parts, clothed or unclothed, if that intentional touching can be reasonably construed as intended  
7 by the accused to be for the purpose of sexual arousal, gratification, or assault.

8 (11) "Sexual assault" means crime as defined in §§11-37-2, 11-37-4 or 11-37-6.

9 (12) "Stalking" means harassing another person or willfully, maliciously and repeatedly  
10 following another person with the intent to place that person in reasonable fear of bodily injury.

11 (13) "Year" means a regular and consecutive 12-month period as determined by the  
12 employer; except that for the purposes of §§28-57-8 and 28-57-10 of this chapter, year means a  
13 calendar year.

14 **28-57-4. Accrual of paid sick and safe leave. --** (a) All employees in Rhode Island shall  
15 accrue a minimum of one hour of paid sick and safe leave for every thirty (30) hours worked up  
16 to a maximum of fifty-six (56) hours per year, unless the employer chooses to provide a higher  
17 annual limit.

18 (b) Employees who are exempt from the overtime requirements under 29 USC §213(a)  
19 (1) of the federal Fair Labor Standards Act will be assumed to work forty (40) hours in each work  
20 week for purposes of paid sick and safe leave accrual unless their normal work week is less than  
21 forty (40) hours, in which case paid sick and safe leave accrues based upon that normal work  
22 week.

23 (c) Paid sick and safe leave as provided in this chapter shall begin to accrue at the  
24 commencement of employment or pursuant to the law's effective date, whichever is later. An  
25 employer may provide all paid sick and safe leave that an employee is expected to accrue in a  
26 year at the beginning of the year.

27 (d) Employees shall be entitled to use accrued paid sick and safe leave beginning on the  
28 ninetieth calendar day following commencement of their employment, unless otherwise permitted  
29 by the employer. On and after the ninetieth calendar day of employment, employees may use paid  
30 sick and safe leave as it is accrued.

31 (e) Paid sick and safe leave shall be carried over to the following calendar year; however,  
32 an employee's use of paid sick and safe leave provided under this chapter in each calendar year  
33 shall not exceed fifty six (56) hours. Alternatively, in lieu of carryover of unused earned paid sick  
34 and safe leave from one year to the next, an employer may pay an employee for unused earned

1 paid sick and safe leave at the end of a year and provide the employee with an amount of paid  
2 sick and safe leave that meets or exceeds the requirements of this chapter that is available for the  
3 employee's immediate use at the beginning of the subsequent year.

4 (f) Any employer with a paid leave policy, such as a paid leave off policy, who makes  
5 available an amount of paid leave sufficient to meet the accrual requirements of this section that  
6 may be used for the same purposes and under the same conditions as paid sick and safe leave  
7 under this chapter is not required to provide additional paid sick and safe leave.

8 (g) Nothing in this chapter shall be construed as requiring financial or other  
9 reimbursement to an employee from an employer upon the employee's termination, resignation,  
10 retirement, or other separation from employment for accrued paid sick and safe leave that has not  
11 been used.

12 (h) If an employee is transferred to a separate division, entity or location, but remains  
13 employed by the same employer, the employee is entitled to all paid sick and safe leave accrued  
14 at the prior division, entity or location and is entitled to use all paid sick and safe leave as  
15 provided in this chapter. When there is a separation from employment and the employee is  
16 rehired within one year of separation by the same employer, previously accrued paid sick and safe  
17 leave that had not been used shall be reinstated. Further, the employee shall be entitled to use  
18 accrued paid sick and safe leave and accrue additional sick and safe leave at the re-  
19 commencement of employment.

20 (i) When a different employer succeeds or takes the place of an existing employer, all  
21 employees of the original employer who remain employed by the successor employer are entitled  
22 to all earned paid sick and safe leave they accrued when employed by the original employer, and  
23 are entitled to use earned paid sick and safe leave previously accrued.

24 (j) At its discretion, an employer may loan sick and safe leave to an employee in advance  
25 of accrual by such employee.

26 **28-57-5. Use of paid sick and safe leave. --** (a) Paid sick and safe leave shall be  
27 provided to an employee by an employer for:

28 (1) An employee's mental or physical illness, injury or health condition; an employee's  
29 need for medical diagnosis, care, or treatment of a mental or physical illness, injury or health  
30 condition; an employee's need for preventive medical care;

31 (2) Care of a family member with a mental or physical illness, injury or health condition;  
32 care of a family member who needs medical diagnosis, care, or treatment of a mental or physical  
33 illness, injury or health condition; care of a family member who needs preventive medical care;

34 (3) Closure of the employee's place of business by order of a public official due to a

1 public health emergency or an employee's need to care for a child whose school or place of care  
2 has been closed by order of a public official due to a public health emergency, or care for oneself  
3 or a family member when it has been determined by the health authorities having jurisdiction or  
4 by a health care provider that the employee's or family member's presence in the community may  
5 jeopardize the health of others because of their exposure to a communicable disease, whether or  
6 not the employee or family member has actually contracted the communicable disease; or

7 (4) Absence necessary due to domestic violence, sexual assault, sexual contact or  
8 stalking, provided the leave is to allow the employee to obtain for the employee or the employee's  
9 family member:

10 (i) Medical attention needed to recover from physical or psychological injury or disability  
11 caused by domestic violence, sexual assault, sexual contact or stalking;

12 (ii) Services from a victim services organization;

13 (iii) Psychological or other counseling;

14 (iv) Relocation or taking steps to secure an existing home due to the domestic violence,  
15 sexual assault, sexual contact or stalking; or

16 (v) Legal services, including preparing for or participating in any civil or criminal legal  
17 proceeding related to or resulting from the domestic violence, sexual assault, sexual contact or  
18 stalking.

19 (b) Paid sick and safe leave shall be provided upon the request of an employee. Such  
20 request may be made orally, in writing, by electronic means or by any other means acceptable to  
21 the employer. When possible, the request shall include the expected duration of the absence.

22 (c) When the use of paid sick and safe leave is foreseeable, the employee shall make a  
23 good faith effort to provide notice of the need for such time to the employer in advance of the use  
24 of the sick and safe leave and shall make a reasonable effort to schedule the use of sick and safe  
25 leave in a manner that does not unduly disrupt the operations of the employer.

26 (d) An employer that requires notice of the need to use earned paid sick and safe leave  
27 where the need is not foreseeable shall provide a written policy that contains procedures for the  
28 employee to provide notice. An employer that has not provided to the employee a copy of its  
29 written policy for providing such notice shall not deny earned paid sick and safe leave to the  
30 employee based on non-compliance with such a policy.

31 (e) Paid sick and safe leave may be used in the lesser of hourly increments or the smallest  
32 increment that the employer's payroll system uses to account for absences or use of other time.

33 (f) For paid sick and safe leave of more than three (3) consecutive work days, an  
34 employer may require reasonable documentation that the paid sick and safe leave has been used

1 for a purpose covered by subsection (a) of this section. An employer may not require that the  
2 documentation explain the nature of the illness or the details of the domestic violence, sexual  
3 assault, sexual contact or stalking.

4 (1) Documentation signed by a health care professional indicating that paid sick leave is  
5 necessary shall be considered reasonable documentation under subsection (a) of this section.

6 (2) One of the following, of the employee's choosing, shall be considered reasonable  
7 documentation of an absence under subsection (a)(4) of this section:

8 (i) A police report indicating that the employee or employee's family member was a  
9 victim of domestic violence, sexual assault, sexual contact or stalking;

10 (ii) A court document indicating that the employee or employee's family member is  
11 involved in legal action related to domestic violence, sexual assault, sexual contact or stalking; or

12 (iii) A signed statement from a victim and witness advocate affirming that the employee  
13 or employee's family member is receiving services from a victim services organization or is  
14 involved in legal action related to domestic violence, sexual assault, sexual contact or stalking.

15 (g) If an employer requires documentation for paid sick leave and the employer does not  
16 offer health insurance to the employee, then the employer is responsible for paying all out of  
17 pocket expenses the employee incurs in obtaining the documentation. If the employee does have  
18 health insurance, the employer is responsible for paying any costs charged to the employee by the  
19 health care provider for providing the specific documentation required by the employer. The  
20 employer is responsible for paying any costs charged to the employee for documentation of  
21 domestic violence, sexual assault, sexual contact or stalking required by the employer.

22 (h) An employer may not require, as a condition of an employee's taking paid sick and  
23 safe leave, that the employee search for or find a replacement worker to cover the hours during  
24 which the employee is using paid sick and safe leave.

25 **28-57-6. Exercise of rights protected; retaliation prohibited.** -- (a) It shall be unlawful  
26 for an employer or any other person to interfere with, restrain, or deny the exercise, or the attempt  
27 to exercise, any right protected under this chapter.

28 (b) An employer shall not take retaliatory personnel action or discriminate against an  
29 employee or former employee because the person has exercised rights protected under this  
30 chapter. Such rights include, but are not limited to, the right to request or use paid sick and safe  
31 leave pursuant to this chapter; the right to file a complaint with the department or the courts or  
32 inform any person about any employer's alleged violation of this chapter; the right to participate  
33 in an investigation, hearing or proceeding or cooperate with or assist the department in its  
34 investigations of alleged violations of this chapter; and the right to inform any person of their

1 potential rights under this chapter.

2 (c) It shall be unlawful for an employer's absence control policy to count paid sick and  
3 safe leave taken under this chapter as an absence that may lead to or result in discipline,  
4 discharge, demotion, suspension, or any other adverse action.

5 (d) Protections of this section shall apply to any person who mistakenly but in good faith  
6 alleges violations of this chapter.

7 (e) There shall be a rebuttable presumption of unlawful retaliatory personnel action under  
8 this section whenever an employer takes action against a person within ninety (90) days of when  
9 that person:

10 (1) Files a complaint with the department or a court alleging a violation of any provision  
11 of this chapter;

12 (2) Informs any person about an employer's alleged violation of this chapter;

13 (3) Cooperates with the department or other persons in the investigation or prosecution of  
14 any alleged violation of this chapter;

15 (4) Opposes any policy, practice, or act that is unlawful under this chapter; or

16 (5) Informs any person of their rights under this chapter.

17 **28-57-7. Notice and Posting.--** (a) Employers shall give employees written notice of the  
18 following at the commencement of employment or by the effective date of this chapter,  
19 whichever is later, which shall include the following information:

20 (1) Employees are entitled to paid sick and safe leave;

21 (2) The amount of paid sick and safe leave;

22 (3) The terms of sick and safe leave use guaranteed under this chapter;

23 (4) That retaliatory personnel actions against employees who request or use paid sick and  
24 safe leave is prohibited;

25 (5) That each employee has the right to file a complaint or bring a civil action if paid sick  
26 and safe leave, as required by this chapter, is denied by the employer or the employee is subjected  
27 to retaliatory personnel action for requesting or taking paid sick and safe leave; and

28 (6) Contact information for the department where questions about rights and  
29 responsibilities under this chapter can be answered.

30 (b) Employers shall comply with this section by supplying each of their employees with a  
31 notice in English and in any language that is the first language spoken by at least five percent  
32 (5%) of the employer's workforce that contains the information required in subsection (a) of this  
33 section, provided that the notice has been translated into such language by the department.

34 (c) The amount of paid sick and safe leave available to the employee, the amount of paid

1 sick and safe leave taken by the employee to date in the year and the amount of pay the employee  
2 has received as paid sick and safe leave shall be recorded in, or on an attachment to, the  
3 employee's regular paycheck.

4 (d) Employers shall display a poster in a conspicuous and accessible place in each  
5 establishment where such employees are employed. The poster displayed shall be in English and  
6 in any language that is the first language spoken by at least five percent (5%) of the employer's  
7 workforce that contains the information required in subsection (a) of this section, provided that  
8 the poster has been translated into such language by the department.

9 (e) The department shall create and make available to employers, in all languages spoken  
10 by more than five percent (5%) of Rhode Island's population and any language deemed  
11 appropriate by the department, posters that contain the information required under subsection (a)  
12 of this section.

13 (f) An employer who willfully violates the notice and posting requirements of this  
14 section shall be subject to a civil fine in an amount not to exceed one hundred dollars (\$100) for  
15 each separate violation.

16 **28-57-8. Employer Records.** -- Employers shall retain records documenting hours  
17 worked by employees and paid sick and safe leave taken by employees, for a period of three (3)  
18 years, and shall allow the department access to such records, with appropriate notice and at a  
19 mutually agreeable time, to monitor compliance with the requirements of this chapter. When an  
20 issue arises as to an employee's entitlement to paid sick and safe leave under this chapter, if the  
21 employer does not maintain or retain adequate records documenting hours worked by the  
22 employee and paid sick and safe leave taken by the employee, or does not allow the department  
23 reasonable access to such records, it shall be presumed that the employer has violated the chapter,  
24 absent clear and convincing evidence otherwise.

25 **28-57-9. Regulations.** -- The department shall coordinate implementation and  
26 enforcement of this chapter and shall promulgate appropriate guidelines or regulations for such  
27 purposes.

28 **28-57-10. Enforcement.** -- (a) An employer who violates this chapter shall be liable for a  
29 civil penalty in an amount not less than five hundred dollars (\$500) and not greater than three  
30 thousand dollars (\$3,000) for each violation of this chapter for a first offense and up to five  
31 thousand dollars (\$5,000) for each violation of this chapter for any subsequent offense, which  
32 shall be shared equally between the department and the aggrieved party.

33 (b) In determining the amount of any penalty imposed under this section, the director or  
34 their designee shall consider the size of the employer's business, the good faith of the employer,

1 the gravity of the violation, the history of previous violations, and whether or not the violation  
2 was an innocent mistake or willful.

3 **28-57-11. Confidentiality and nondisclosure.** -- An employer may not require  
4 disclosure of details relating to domestic violence, sexual assault, sexual contact or stalking or the  
5 details of an employee's or an employee's family member's health information as a condition of  
6 providing paid sick and safe leave under this chapter. If an employer possesses health  
7 information or information pertaining to domestic violence, sexual assault, sexual contact, or  
8 stalking about an employee or employee's family member, such information shall be treated as  
9 confidential and not disclosed except to the affected employee or with the permission of the  
10 affected employee.

11 **28-57-12. Greater sick and safe leave policies.** -- (a) This chapter provides minimum  
12 requirements pertaining to paid sick and safe leave and shall not be construed to preempt, limit, or  
13 otherwise affect the applicability of any other law, regulation, requirement, policy, or standard  
14 that provides for greater accrual or use by employees of sick and safe leave, whether paid or  
15 unpaid, or that extends other protections to employees.

16 (b) Nothing in this chapter shall be construed to supersede or preempt any provision of  
17 any local law that provides greater rights to paid sick and safe leave than the rights established  
18 under this chapter.

19 (c) Nothing in this chapter shall be construed in a manner to discourage or prohibit an  
20 employer from the adoption of a paid sick and safe leave policy greater than the one required in  
21 this chapter.

22 (d) Nothing in this chapter shall be construed as diminishing the obligation of an  
23 employer to comply with any contract, collective bargaining agreement, employment benefit plan  
24 or other agreement that provides greater sick and safe leave to an employee than required in this  
25 chapter.

26 (e) Nothing in this chapter shall be construed as diminishing the rights of public  
27 employees regarding paid sick and safe leave or use of sick and safe leave as provided in the  
28 general laws.

29 **28-57-13. Public education and outreach.** -- The department shall develop and  
30 implement a multilingual outreach program to inform employees, parents, and persons who are  
31 under the care of a health care provider about the availability of paid sick and safe leave under  
32 this chapter. This program shall include the distribution of notices and other written materials in  
33 English and in all languages spoken by more than five percent (5%) of Rhode Island's population  
34 and any language deemed appropriate by the department to all child care and elder care providers,

1 [domestic violence shelters or victim services organizations, schools, hospitals, community health](#)  
2 [centers, and other health care providers.](#)

3 **28-57-15. Severability.** -- [If any provision of this chapter or any rule or regulation](#)  
4 [created under this chapter, or the application of any provision of this chapter to any person or](#)  
5 [circumstance shall be held invalid by any court of competent jurisdiction, the remainder of the](#)  
6 [chapter, rule or regulation and the application of such provision to other persons or circumstances](#)  
7 [shall not be affected thereby. The invalidity of any section or sections or parts of any section of](#)  
8 [this chapter shall not affect the validity of the remainder of this chapter and to this end the](#)  
9 [provisions of the chapter are declared to be severable.](#)

10 SECTION 3. This act shall take effect on January 1, 2017.

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LC004336  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO LABOR AND LABOR RELATIONS-HEALTHY AND SAFE FAMILIES  
AND WORKPLACES ACT

\*\*\*

- 1           This act would require all employers to provide their employees with a minimum level
- 2 of paid sick and safety leave including time to care for the employee's family members.
- 3           This act would take effect on January 1, 2017.

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LC004336  
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