

2016 -- S 2549

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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 -- PARENTAL AND FAMILY
MEDICAL LEAVE ACT

Introduced By: Senators Goldin, Miller, Metts, Goodwin, and Ruggerio

Date Introduced: February 25, 2016

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 28-48-1 and 24-48-2 of the General Laws in Chapter 28-48
2 entitled "Rhode Island Parental and Family Medical Leave Act" are hereby amended to read as
3 follows:

4 **28-48-1. Definitions.** -- As used in this chapter, the following words and terms have the
5 following meanings:

6 (1) "Director" means the director of the department of labor and training.

7 (2) "Employee" means any full-time employee who works an average of thirty (30) or
8 more hours per week.

9 (3) "Employer" means and includes:

10 (i) any person, sole proprietorship, partnership, corporation, or other business entity that
11 employs fifty (50) or more employees,

12 (ii) the state of Rhode Island, including the executive, legislative, and judicial branches,
13 and any state department or agency that employs any employees,

14 (iii) any city or town or municipal agency that employs thirty (30) or more employees,
15 and

16 (iv) any person who acts directly or indirectly in the interest of any employer.

17 (4) "Family leave" means leave by reason of the serious illness of a family member.

18 (5) "Family member" means a parent, spouse, child, mother-in-law, father-in-law,

1 [grandparent, grandchild, domestic partner, partner in civil union, sibling](#), or the employee himself
2 or herself, and with respect to employees of the state as defined in subsection (3)(ii), shall include
3 domestic partners as defined in § 36-12-1(3).

4 (6) "Parental leave" means leave by reason of the birth of a child of an employee or the
5 placement of a child sixteen (16) years of age or less with an employee ~~in connection with~~ [for](#) the
6 adoption, [kinship care or foster care](#) of the child by the employee.

7 (7) "Serious illness" means a disabling physical or mental illness, injury, impairment, or
8 condition that involves inpatient care in a hospital, a nursing home, or a hospice, or outpatient
9 care requiring continuing treatment or supervision by a health care provider.

10 **28-48-2. Parental leave and family leave requirement.** -- (a) Every employee who has
11 been employed by the same employer for twelve (12) consecutive months shall be entitled, upon
12 advance notice to his or her employer, to thirteen (13) consecutive work weeks of parental leave
13 or family leave in any two (2) calendar years. The employee shall give at least thirty (30) days
14 notice of the intended date upon which parental leave or family leave shall commence and
15 terminate, unless prevented by medical emergency from giving the notice. [The employer may use](#)
16 [its discretion in approving requests for parental leave or family leave when thirty \(30\) days' notice](#)
17 [is not practicable due to unforeseen circumstances.](#) The director shall promulgate regulations
18 governing the form and content of the employee's notice to the employer.

19 (b) Parental leave or family leave granted pursuant to this chapter may consist of unpaid
20 leave. If an employer provides paid parental leave or family leave for fewer than thirteen (13)
21 weeks, the additional weeks of leave added to attain the total of thirteen (13) weeks required by
22 subsection (a) of this section may be unpaid.

23 (c) The employer may request that the employee provide the employer with written
24 certification from a physician caring for the person who is the reason for the employee's leave,
25 which certification shall specify the probable duration of the employee's leave.

26 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO LABOR AND LABOR RELATIONS -- PARENTAL AND FAMILY
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1 This act would add foster care to the definition of parental care for purpose of the
2 "Parental and Family Medical Leave Act". It would also grant employers discretion to approve
3 requests for family leave when they have not been given thirty (30) days' notice due to unforeseen
4 circumstances.

5 This act would take effect upon passage.

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