

2025 -- H 6065 AS AMENDED

LC002041

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

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

Introduced By: Representatives Giraldo, Furtado, Handy, Alzate, Cruz, McGaw, Potter,
McNamara, Speakman, and Slater

Date Introduced: March 12, 2025

Referred To: House Labor

It is enacted by the General Assembly as follows:

SECTION 1. Sections 28-41-34 and 28-41-35 of the General Laws in Chapter 28-41
entitled "Temporary Disability Insurance — Benefits" are hereby amended to read as follows:

28-41-34. Temporary caregiver insurance.

The purpose of this chapter is to establish, within the state temporary disability insurance
program, a temporary caregiver insurance program to provide wage replacement benefits in
accordance with the provisions of this chapter, to workers who take time off work to care for a
seriously ill child, spouse, domestic partner, parent, parent-in-law, grandparent, or to bond with a
new child.

Definitions as used in this chapter:

(1) “Adopted child” means a child adopted by, or placed for adoption with, the employee.

(2) “Bonding or bond” means to develop a psychological and emotional attachment
between a child and his or her parent(s) or persons who stand in loco parentis. This shall involve
being in one another’s physical presence.

(3) "Bone marrow transplant donor" means an individual from whose body bone marrow
is taken to be transferred to the body of another person.

~~(3)~~(4) “Child” means a biological, adopted, or foster son or daughter, a stepson or
stepdaughter, a legal ward, a son or daughter of a domestic partner, or a son or daughter of an
employee who stands in loco parentis to that child.

1 ~~(4)~~(5) “Department” means the department of labor and training.

2 ~~(5)~~(6) “Domestic partner” means a party to a civil union as defined by chapter 3.1 of title

3 15.

4 ~~(6)~~(7) “Employee” means any person who is or has been employed by an employer subject

5 to chapters 39 — 41 of this title and in employment subject to those chapters.

6 ~~(7)~~(8) “Grandparent” means a parent of the employee’s parent.

7 (9) "Living organ donor" means an individual who donates all or part of an organ and is

8 not deceased.

9 ~~(8)~~(10) “Newborn child” means a child under one year of age.

10 ~~(9)~~(11) “Parent” means a biological, foster, or adoptive parent, a stepparent, a legal

11 guardian, or other person who stands in loco parentis to the employee or the employee’s spouse or

12 domestic partner when he/she was a child.

13 ~~(10)~~(12) “Parent-in-law” means the parent of the employee’s spouse or domestic partner.

14 ~~(11)~~(13) “Persons who stand in loco parentis” means those with day-to-day responsibilities

15 to care for and financially support a child or, in the case of an employee, who had such

16 responsibility for the employee when the employee was a child. A biological or legal relationship

17 shall not be required.

18 ~~(12)~~(14) “Serious health condition” means any illness, injury, impairment, or physical or

19 mental condition that involves inpatient care in a hospital, hospice, residential healthcare facility,

20 or continued treatment or continuing supervision by a licensed healthcare provider.

21 ~~(13)~~(15) “Spouse” means a party in a common law marriage, a party in a marriage

22 conducted and recognized by another state or country, or in a marriage as defined by chapter 3 of

23 title 15.

24 **28-41-35. Benefits. [Effective January 1, 2025.]**

25 (a) Subject to the conditions set forth in this chapter, an employee shall be eligible for

26 temporary caregiver benefits for any week in which the employee is unable to perform their regular

27 and customary work because the employee is:

28 (1) Bonding with a newborn child or a child newly placed for adoption or foster care with

29 the employee or domestic partner in accordance with the provisions of § 28-41-36(c); ~~or~~

30 (2) Caring for a child, parent, parent-in-law, grandparent, spouse, or domestic partner, who

31 has a serious health condition, subject to a waiting period in accordance with the provisions of §

32 28-41-12 [repealed]. Employees may use accrued sick time during the eligibility waiting period in

33 accordance with the policy of the individual’s employer; ~~or~~ or

34 (3) Participating as a bone marrow transplant donor or a living organ donor.

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

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

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

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

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

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

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

26 (5) Beginning January 1, 2026, temporary caregiver benefits shall be limited to a maximum
27 of eight (8) weeks in a benefit year.

28 (e) In addition, no individual shall be paid temporary caregiver benefits and temporary
29 disability benefits that together exceed thirty (30) times the individual's weekly benefit rate in any
30 benefit year.

31 (f) Any employee who exercises their right to leave covered by temporary caregiver
32 insurance under this chapter shall, upon the expiration of that leave, be entitled to be restored by
33 the employer to the position held by the employee when the leave commenced, or to a position with
34 equivalent seniority, status, employment benefits, pay, and other terms and conditions of

1 employment including fringe benefits and service credits that the employee had been entitled to at
2 the commencement of leave.

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

9 (h) No individual shall be entitled to waiting period credit or temporary caregiver benefits
10 under this section for any week beginning prior to January 1, 2014. An employer may require an
11 employee who is entitled to leave under the federal Family and Medical Leave Act, Pub. L. No.
12 103-3 and/or the Rhode Island parental and family medical leave act, § 28-48-1 et seq., who
13 exercises their right to benefits under the temporary caregiver insurance program under this chapter,
14 to take any temporary caregiver benefits received, concurrently, with any leave taken pursuant to
15 the federal Family and Medical Leave Act and/or the Rhode Island parental and family medical
16 leave act.

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

25 (j) In the event the individual is participating as a bone marrow transplant donor or a living
26 organ donor, benefits under this section shall cover time needed for any procedures, medical tests,
27 and surgeries related to the donation, including no more than five (5) business days of recovery
28 from a bone marrow transplant or no more than thirty (30) business days recovery from a living
29 organ donor transplant.

30 SECTION 2. This act shall take effect on January 1, 2026.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would mandate paid leave by allowing qualified employees to take medical leave
2 to undergo donation procedures, medical tests, and recovery related to being a living organ donor,
3 or bone marrow transplant donor. The act would also provide that the maximum durations of leave
4 for each type of donation - up to thirty (30) days for organ donation, and five (5) days for bone
5 marrow donation.

6 This act would take effect upon passage.

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