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LC002030

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 -- GENERAL PROVISIONS

Introduced By: Representatives Giraldo, Potter, Voas, Stewart, Alzate, and Morales

Date Introduced: March 12, 2025

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 28-39-2 and 28-39-26 of the General Laws in Chapter 28-39 entitled
2 "Temporary Disability Insurance — General Provisions" are hereby amended to read as follows:

3 **28-39-2. Definitions.**

4 The following words and phrases, as used in chapters 39 — [through](#) 41 of this title, have
5 the following meanings unless the context clearly requires otherwise:

6 (1) "Average weekly wage" means the amount determined by dividing the individual's
7 total wages earned for services performed in employment within his or her base period by the
8 number of that individual's credit weeks within the base period.

9 (2) "Base period" with respect to an individual's benefit year when the benefit year begins
10 on or after October 7, 1990, means the first four (4) of the most recently completed five (5) calendar
11 quarters immediately preceding the first day of an individual's benefit year; provided, that for any
12 individual's benefit year when the benefit year begins on or after October 4, 1992, and for any
13 individual deemed monetarily ineligible for benefits under the "base period" as defined in this
14 subdivision, the department shall make a re-determination of entitlement based upon an alternate
15 base period that consists of the last four (4) completed calendar quarters immediately preceding the
16 first day of the claimant's benefit year. Notwithstanding anything contained to the contrary in this
17 subdivision, the base period shall not include any calendar quarter previously used to establish a
18 valid claim for benefits; provided, however, that the "base period" with respect to members of the

1 United States military service, the Rhode Island National Guard, or a United States military reserve
2 force, and who served in a United States declared combat operation during their military service,
3 who file a claim for benefits following their release from their state or federal active military service
4 and who are deemed to be monetarily ineligible for benefits under this section, shall mean the first
5 four (4) of the most recently completed five (5) calendar quarters immediately preceding the first
6 day the individual was called into that state or federal active military service; provided, that for any
7 individual deemed monetarily ineligible for benefits under the “base period” as defined in this
8 section, the department shall make a re-determination of entitlement based upon an alternative base
9 period that consists of the last four (4) completed calendar quarters immediately preceding the first
10 day the claimant was called into that state or federal active military service. Notwithstanding any
11 provision of this section of the general or public laws to the contrary, the base period shall not
12 include any calendar quarter previously used to establish a valid claim for benefits.

13 (3) “Benefit” means the money payable, as provided in chapters 39 — [through](#) 41 of this
14 title, to an individual as compensation for his or her unemployment caused by sickness [or reasons](#)
15 [allowed under this title](#).

16 (4) “Benefit credits” means the total amount of money payable to an individual as benefits,
17 as provided in § 28-41-7.

18 (5) “Benefit rate” means the money payable to an individual as compensation, as provided
19 in chapters 39 — [through](#) 41 of this title, for his or her wage losses with respect to any week during
20 which his or her unemployment is caused by sickness [or reasons allowed under this title](#).

21 (6) “Benefit year” with respect to any individual who does not already have a benefit year
22 in effect, and who files a valid claim for benefits as of November 16, 1958, or any later date, means
23 fifty-two (52) consecutive calendar weeks, the first of which shall be the week containing the day
24 as of which he or she first files that valid claim in accordance with regulations adopted as
25 subsequently prescribed; provided, that for any benefit year beginning on or after October 7, 1990,
26 the benefit year shall be fifty-three (53) consecutive calendar weeks if the subsequent filing of a
27 new valid claim immediately following the end of a previous benefit year would result in the
28 overlapping of any quarter of the base period of the prior new claim. In no event shall a new benefit
29 year begin prior to the Sunday next following the end of the old benefit year.

30 (i) For benefit years that begin on or after July 1, 2012, an individual’s benefit year will
31 begin on the Sunday of the calendar week in which an individual first became unemployed due to
32 sickness and for which the individual has filed a valid claim for benefits.

33 (7) “Board” means the board of review as created under chapter 16.1 of title 42.

34 (8) “Calendar quarter” has the same definition as contained in chapter 42 of this title.

1 (9) "Credit week" means any week within an individual's base period in which that
2 individual earns wages amounting to at least twenty (20) times the minimum hourly wage as
3 defined in chapter 12 of this title, for performing services in employment for one or more employers
4 subject to chapters 39 — [through](#) 41 of this title.

5 (10) "Director" means the director of the department of labor and training.

6 (11) "Employee" means any person who is or has been employed by an employer subject
7 to chapters 39 — [through](#) 41 of this title and in employment subject to those chapters.

8 (12) "Employer" means any employing unit that is an employer under chapters 42 —
9 [through](#) 44 of this title.

10 (13) "Employing unit" has the same definition as contained in chapter 42 of this title and
11 includes any governmental entity that elects to become subject to the provisions of chapters 39 —
12 [through](#) 41 of this title, in accordance with the provisions of §§ 28-39-3.1 and 28-39-3.2.

13 (14) "Employment" has the same definition as contained in chapter 42 of this title.

14 (15) "Employment office" has the same definition as contained in chapter 42 of this title.

15 (16) "Fund" means the Rhode Island temporary disability insurance fund established by
16 this chapter.

17 (17) "Partial unemployment due to sickness." For weeks beginning on or after January 1,
18 2006, an individual shall be deemed partially unemployed due to sickness in any week of less than
19 full-time work if he or she fails to earn in wages for services for that week an amount equal to the
20 weekly benefit rate for total unemployment due to sickness to which he or she would be entitled if
21 totally unemployed due to sickness and eligible.

22 (i) For the purposes of this subdivision and subdivision (22) of this section, "Wages"
23 includes only that part of remuneration for any work, which is in excess of one-fifth ($\frac{1}{5}$) of the
24 weekly benefit rate for total unemployment, rounded to the next lower multiple of one dollar
25 (\$1.00), to which the individual would be entitled if totally unemployed and eligible in any one
26 week, and "services" includes only that part of any work for which remuneration in excess of one-
27 fifth ($\frac{1}{5}$) of the weekly benefit rate for total unemployment, rounded to the next lower multiple of
28 one dollar (\$1.00), to which the individual would be entitled if totally unemployed and eligible in
29 any one week is payable; provided, that nothing contained in this paragraph shall permit any
30 individual to whom remuneration is payable for any work performed in any week in an amount
31 equal to, or greater than, his or her weekly benefit rate to receive benefits under this subdivision
32 for that week.

33 (18) "Reserve fund" means the temporary disability insurance reserve fund established by
34 § 28-39-7.

1 (19) "Services" means all endeavors undertaken by an individual that are paid for by
2 another or with respect to which the individual performing the services expects to receive wages or
3 profits.

4 (20) "Sickness." An individual shall be deemed to be sick in any week in which, because
5 of his or her physical or mental condition, including pregnancy, he or she is unemployed and unable
6 to perform his or her regular or customary work or services.

7 (21)(i) "Taxes" means the money payments required by chapters 39 — [through](#) 41 of this
8 title, to be made to the temporary disability insurance fund or to the temporary disability insurance
9 reserve fund.

10 (ii) Wherever and whenever in chapters 39 — [through](#) 41 of this title, the words
11 "contribution" and/or "contributions" appear, those words shall be construed to mean the "taxes,"
12 as defined in this subdivision, that are the money payments required by those chapters to be made
13 to the temporary disability insurance fund or to the temporary disability insurance reserve fund.

14 (22) "Wages" has the same definition as contained in chapter 42 of this title; provided, that
15 no individual shall be denied benefits under chapters 39 — [through](#) 41 of this title because his or
16 her employer continues to pay to that individual his or her regular wages, or parts of them, while
17 he or she is unemployed due to sickness and unable to perform his or her regular or customary work
18 or services. The amount of any payments, whether or not under a plan or system, made to or on
19 behalf of an employee by his or her employer after the expiration of six (6) calendar months
20 following the last calendar month in which the employee performed actual bona fide personal
21 services for his or her employer, shall not be deemed to be wages either for the purpose of paying
22 contributions thereon under chapter 40 of this title, or for the purpose of being used as a basis for
23 paying benefits under chapter 41 of this title.

24 (23) "Week" has the same definition as contained in chapter 42 of this title.

25 **28-39-26. Pecuniary penalty for failure to make contributions or reports.**

26 An employer [or self-employed individual or sole proprietor who elects to be covered by](#)
27 [this chapter](#) who fails to file any report required under chapters 39 — [through](#) 41 of this title, or
28 who or that fails or refuses to pay any contributions required under those chapters in the manner
29 and at the times required by the laws and regulations or as the director may, in accordance with
30 those laws and regulations, prescribe, shall pay a penalty of ten dollars (\$10.00) for each failure or
31 refusal to file, and where any contribution is due, shall pay an additional penalty of ten percent
32 (10%) of the amount due. These penalties shall be paid into the temporary disability insurance
33 reserve fund, and shall be in addition to contributions and interest required to be paid as provided
34 in chapters 39 — [through](#) 41; provided, that if any employer [or self-employed individual or sole](#)

1 [proprietor who elects to be covered by this chapter](#) fails to pay the penalty, when assessed, it shall
2 be collected by civil action as provided in § 28-40-12.

3 SECTION 2. Sections 28-40-1 and 28-40-9 of the General Laws in Chapter 28-40 entitled
4 "Temporary Disability Insurance — Contributions" are hereby amended to read as follows:

5 **28-40-1. Amount of employee contributions — Wages on which based.**

6 (a) [For each calendar year prior to 2025, the](#) ~~The~~ taxable wage base under this chapter ~~for~~
7 ~~each calendar year~~ shall be equal to the greater of thirty-eight thousand dollars (\$38,000) or the
8 annual earnings needed by an individual to qualify for the maximum weekly benefit amount and
9 the maximum duration under chapters 39 — [through](#) 41 of this title. That taxable wage base shall
10 be computed as follows: Every September 30, the maximum weekly benefit amount in effect as of
11 that date shall be multiplied by thirty (30) and the resultant product shall be divided by thirty-six
12 hundredths (.36). If the result thus obtained is not an even multiple of one hundred dollars (\$100),
13 it shall be rounded upward to the next higher even multiple of one hundred dollars (\$100). That
14 taxable wage base shall be effective for the calendar year beginning on the next January 1.

15 [\(b\) For calendar year 2026 and subsequent years, the taxable wage base shall not exceed](#)
16 [the Social Security contribution and benefit base, as determined pursuant to 42 U.S.C. 430. That](#)
17 [taxable wage base shall be effective for the calendar year beginning on the next January 1.](#)

18 [\(c\) Any self-employed Rhode Island resident who fails to meet the quarterly reporting](#)
19 [requirements or make the required quarterly contributions in a timely manner, shall be ineligible to](#)
20 [receive benefits under chapters 39 through 41 of this title, until such time as that person has satisfied](#)
21 [any outstanding payments owed.](#)

22 ~~(b)~~(d) Each employee shall contribute with respect to employment after the date upon
23 which the employer becomes subject to chapters 39 — [through](#) 41 of this title, an amount equal to
24 the fund cost rate times the wages paid by the employer to the employee up to the taxable wage
25 base as defined and computed in subsection (a) of this section. The employee contribution rate for
26 the following calendar year shall be determined by computing the fund cost rate on or before
27 November 15 of each year as follows:

28 (1) The total amount of disbursements made from the fund for the twelve-month (12)
29 period ending on the immediately preceding September 30 shall be divided by the total taxable
30 wages paid by employers during the twelve-month (12) period ending on the immediately
31 preceding June 30. The ratio thus obtained shall be multiplied by one hundred (100) and the
32 resultant product if not an exact multiple of one-tenth of one percent (0.1%) shall be rounded down
33 to the next lowest multiple of one-tenth of one percent (0.1%);

34 (2) If the fund balance as of the preceding September 30 is less than the total disbursements

1 from the fund for the six-month (6) period ending on that September 30, that difference shall be
2 added to the total disbursements for the twelve-month (12) period ending September 30 for the
3 purpose of computing the fund cost rate, and if the resulting fund cost rate is not an exact multiple
4 of one-tenth of one percent (0.1%) it shall be rounded to the nearest multiple of one-tenth of one
5 percent (0.1%).

6 **28-40-9. Interest on delinquent payments.**

7 Employers who fail to make payment of contributions, as required by chapters 39 —
8 [through](#) 41 of this title, or by the prescribed rules and regulations, shall be additionally liable to the
9 temporary disability insurance reserve fund for interest on those delinquent payments at the rate of
10 one and one-half percent (1½%) per month from the date the payment became due until paid.

11 SECTION 3. Sections 28-41-5, 28-41-34 and 28-41-35 of the General Laws in Chapter 28-
12 41 entitled "Temporary Disability Insurance — Benefits" are hereby amended to read as follows:

13 **28-41-5. Weekly benefit rate — Dependents' allowances. [Effective January 1, 2025.]**

14 (a) **Benefit rate.**

15 (1) The benefit rate payable under this chapter to any eligible individual with respect to
16 any week of the individual's unemployment due to sickness, when that week occurs within a benefit
17 year, shall be, for benefit years beginning on or after October 7, 1990, four and sixty-two
18 hundredths percent (4.62%) of the wages paid to the individual in that calendar quarter of the base
19 period in which the individual's wages were highest; provided, however, that the benefit rate shall
20 not exceed eighty-five percent (85%) of the average weekly wage paid to individuals covered by
21 chapters 42 — [through](#) 44 of this title for the preceding calendar year ending December 31. If the
22 maximum weekly benefit rate is not an exact multiple of one dollar (\$1.00) then the rate shall be
23 raised to the next higher multiple of one dollar (\$1.00). Those weekly benefit rates shall be effective
24 throughout the benefit years beginning on or after July 1 of the year prior to July of the succeeding
25 calendar year.

26 [\(2\) For benefit years beginning on or after January 1, 2026, the benefit rate payable under](#)
27 [this chapter, to any eligible individual for any week of their unemployment due to reasons allowed](#)
28 [under this chapter, when that week occurs within the benefit year, shall be eighty-five percent](#)
29 [\(85%\) of that individual's average weekly wage.](#)

30 ~~(2)~~[\(3\)](#) The benefit rate of any individual, if not an exact multiple of one dollar (\$1.00), shall
31 be raised to the next higher multiple of one dollar (\$1.00).

32 (b) **Dependents' allowances.** An individual to whom benefits for unemployment due to
33 sickness are payable under this chapter with respect to any week, shall, in addition to those benefits,
34 be paid with respect to each week a dependent's allowance of twenty dollars (\$20.00) or seven

1 percent (7%) of the individual's benefit rate payable under subsection (a) of this section, whichever
2 is greater, for each of that individual's children, including adopted and stepchildren or that
3 individual's court-appointed wards who, at the beginning of the individual's benefit year, is under
4 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 child
6 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 on
8 that individual in fact at the beginning of the individual's benefit year, including individuals who
9 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 and in no instance shall the individual's weekly benefit amount,
12 including both the benefit rate and dependent's allowance exceed that individual's weekly wage in
13 the last period. The weekly total of dependents' allowances payable to any individual, if not an
14 exact multiple of one dollar (\$1.00), shall be rounded to the next lower multiple of one dollar
15 (\$1.00). The number of an individual's dependents, and the fact of their dependency, shall be
16 determined as of the beginning of that individual's benefit year; provided, that only one individual
17 shall be entitled to a dependent's allowance for the same dependent with respect to any week. Each
18 individual who claims a dependent's allowance shall establish their claim to it to the satisfaction of
19 the director under procedures established by the director.

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

22 (d) **Partial unemployment due to sickness.** For weeks beginning on or after January 1,
23 2006, an individual partially unemployed due to sickness and otherwise eligible in any week shall
24 be paid sufficient benefits with respect to that week, so that their wages, rounded to the next higher
25 multiple of one dollar (\$1.00), and their benefits combined will equal in amount the weekly benefit
26 rate to which the individual would be entitled if totally unemployed due to sickness in that week;
27 provided that an individual must have been totally unemployed due to sickness for at least seven
28 (7) consecutive days prior to claiming partial benefits under this provision; provided, that this
29 provision shall not apply if the individual is entitled to lag day benefits pursuant to § 28-41-9;
30 provided, further, that nothing contained herein shall permit any individual to whom remuneration
31 is payable for any work performed in any week in an amount equal to or greater than his or her
32 weekly benefit rate to receive benefits or waiting period credit for that week.

33 **28-41-34. Temporary caregiver insurance.**

34 The purpose of this chapter is to establish, within the state temporary disability insurance

1 program, a temporary caregiver insurance program to provide wage replacement benefits in
2 accordance with the provisions of this chapter, to workers who take time off work to care for a
3 seriously ill child, spouse, domestic partner, [sibling](#), parent, parent-in-law, [care recipient](#),
4 grandparent, [grandchild](#) or to bond with a new child.

5 Definitions as used in this chapter:

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

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

10 [\(3\) "Care recipient" means a person for whom the employee is responsible for providing](#)
11 [or arranging health- or safety-related care including, but not limited to, helping the person obtain](#)
12 [diagnostic, preventive, routine, or therapeutic health treatment.](#)

13 ~~(3)~~[\(4\)](#) “Child” means a [legal](#), biological, adopted, or foster son or daughter, a stepson or
14 stepdaughter, a legal ward, a son or daughter of a domestic partner, or a son or daughter of an
15 employee who stands in loco parentis to that child.

16 ~~(4)~~[\(5\)](#) “Department” means the department of labor and training.

17 ~~(5)~~[\(6\)](#) “Domestic partner” means a party to a civil union as defined by chapter 3.1 of title
18 15.

19 ~~(6)~~[\(7\)](#) “Employee” means any person who is or has been employed by an employer subject
20 to chapters 39 — [through](#) 41 of this title and in employment subject to those chapters.

21 [\(8\) "Grandchild" means the child of an employee's child.](#)

22 ~~(7)~~[\(9\)](#) “Grandparent” means a parent of the employee’s parent.

23 ~~(8)~~[\(10\)](#) “Newborn child” means a child under one year of age.

24 ~~(9)~~[\(11\)](#) “Parent” means a [legal](#) biological, foster, or adoptive parent, a stepparent, a legal
25 guardian, or other person who stands in loco parentis to the employee or the employee’s spouse or
26 domestic partner when he/she was a child.

27 ~~(10)~~[\(12\)](#) “Parent-in-law” means the parent of the employee’s spouse or domestic partner.

28 ~~(11)~~[\(13\)](#) “Persons who stand in loco parentis” means those with day-to-day responsibilities
29 to care for and financially support a child or, in the case of an employee, who had such
30 responsibility for the employee when the employee was a child. A biological or legal relationship
31 shall not be required.

32 ~~(12)~~[\(14\)](#) “Serious health condition” means any illness, injury, impairment, or physical or
33 mental condition that involves inpatient care in a hospital, hospice, residential healthcare facility,
34 or continued treatment or continuing supervision by a licensed healthcare provider.

1 [\(15\) "Sibling" means children with a common parent or grandparent, including legal](#)
2 [siblings, biological siblings; half-siblings, step-siblings, foster siblings and adopted siblings.](#)

3 ~~(13)~~(16) "Spouse" means a party in a common law marriage, a party in a marriage
4 conducted and recognized by another state or country, or in a marriage as defined by chapter 3 of
5 title 15.

6 **28-41-35. Benefits. [Effective January 1, 2025.]**

7 (a) Subject to the conditions set forth in this chapter, an employee shall be eligible for
8 temporary caregiver benefits for any week in which the employee is unable to perform their regular
9 and customary work because the employee is:

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

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

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

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

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

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

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

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

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

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

9 (e) In addition, no individual shall be paid temporary caregiver benefits and temporary
10 disability benefits that together exceed ~~thirty (30) times the individual's weekly benefit rate in any~~
11 ~~benefit year~~ the total amount of benefits payable in accordance with the provisions in § 28-41-7.

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

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

24 (h) No individual shall be entitled to waiting period credit or temporary caregiver benefits
25 under this section for any week beginning prior to January 1, 2014. An employer may require an
26 employee who is entitled to leave under the federal Family and Medical Leave Act, Pub. L. No.
27 103-3 and/or the Rhode Island parental and family medical leave act, § 28-48-1 et seq., who
28 exercises their right to benefits under the temporary caregiver insurance program under this chapter,
29 to take any temporary caregiver benefits received, concurrently, with any leave taken pursuant to
30 the federal Family and Medical Leave Act and/or the Rhode Island parental and family medical
31 leave act.

32 (i) Temporary caregiver benefits shall be in accordance with the federal Family and
33 Medical Leave Act (FMLA), Pub. L. No. 103-3 and the Rhode Island parental and family medical
34 leave act in accordance with § 28-48-1 et seq. An employer may require an employee who is entitled

1 to leave under the federal Family and Medical Leave Act, Pub. L. No. 103-3 and/or the Rhode
2 Island parental and family medical leave act, § 28-48-1 et seq., who exercises their right to benefits
3 under the temporary caregiver insurance program under this chapter, to take any temporary
4 caregiver benefits received, concurrently, with any leave taken pursuant to the federal Family and
5 Medical Leave Act and/or the Rhode Island parental and family medical leave act.

6 SECTION 4. Chapter 28-39 of the General Laws entitled "Temporary Disability Insurance
7 — General Provisions" is hereby amended by adding thereto the following section:

8 **28-39-3.4. Non-covered Rhode Island residents eligible by election.**

9 (a) Notwithstanding any inconsistent provisions of chapters 39 through 41 of this title, any
10 self-employed or sole proprietor Rhode Island resident may become subject to those chapters, by
11 filing an enrollment form with the department in accordance with the rules and regulations
12 established by the department, for enrollment, provided such self-employed individual or sole
13 proprietor is enrolled in the program for an initial period of not less than three (3) years. Such self-
14 employed individual or sole proprietor shall be automatically reenrolled in the program for a
15 subsequent period, or periods, of not less than one year. Such reenrollment begins immediately
16 following a period of participation in the program. Notwithstanding any other provisions of
17 chapters 39 through 41 of this title to the contrary, self-employed or sole proprietor Rhode Island
18 residents, that do not have otherwise qualifying wages from prior employment within the base
19 period, will not be eligible for benefits under those chapters, until the completion of twelve (12)
20 months of contributions has been made for participation in the program and as described in § 28-
21 40-1. Except as otherwise provided in this title, all other provisions of these chapters shall continue
22 to be applicable in connection with the employment.

23 (b) A self-employed individual or sole proprietor may withdraw from the program upon
24 submitting written notice to the authority not less than thirty (30) days prior to the expiration of the
25 initial enrollment or subsequent reenrollment period, or at such other times as the authority may
26 prescribe by rule.

27 (c) Any self-employed Rhode Island resident who fails to meet the quarterly reporting
28 requirements or make the required quarterly contributions in a timely manner, shall be ineligible to
29 receive benefits under chapters 39 through 41 of this title, until such time as that person has satisfied
30 any outstanding payments in this regard.

31 SECTION 5. This act shall take effect on January 1, 2026.

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LC002030
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- TEMPORARY DISABILITY
INSURANCE -- GENERAL PROVISIONS

1 This act would include siblings, grandchildren, and care recipient in the coverage for
2 temporary caregiver benefits. This act would also increase the taxable wage base upon which
3 employees make contributions to the TDI and TCI funds, increase individual benefit rates for lower
4 wage individuals, and create an opt-in for self-employed workers.

5 This act would take effect on January 1, 2026.

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