

2024 -- S 2121 SUBSTITUTE A

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LC003484/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

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

Introduced By: Senators Lawson, Ruggerio, Pearson, Bissaillon, Lauria, DiMario, Euer,
Gallo, Cano, and Miller

Date Introduced: January 12, 2024

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-41-35 of the General Laws in Chapter 28-41 entitled "Temporary
2 Disability Insurance — Benefits" is hereby amended to read as follows:

3 **28-41-35. Benefits.**

4 (a) Subject to the conditions set forth in this chapter, an employee shall be eligible for
5 temporary caregiver benefits for any week in which he or she is unable to perform his or her regular
6 and customary work because he or she is:

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

9 (2) Caring for a child, parent, parent-in-law, grandparent, spouse, or domestic partner, who
10 has a serious health condition, subject to a waiting period in accordance with the provisions of §
11 28-41-12 [repealed]. Employees may use accrued sick time during the eligibility waiting period in
12 accordance with the policy of the individual's employer.

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

1 leave changes for unforeseeable circumstances.

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

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

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

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

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

18 [\(4\) Beginning January 1, 2025, temporary caregiver benefits shall be limited to a maximum](#)
19 [of seven \(7\) weeks in a benefit year.](#)

20 [\(5\) Beginning January 1, 2026, temporary caregiver benefits shall be limited to a maximum](#)
21 [of eight \(8\) weeks in a benefit year.](#)

22 (e) In addition, no individual shall be paid temporary caregiver benefits and temporary
23 disability benefits that together exceed thirty (30) times his or her weekly benefit rate in any benefit
24 year.

25 (f) Any employee who exercises his or her right to leave covered by temporary caregiver
26 insurance under this chapter shall, upon the expiration of that leave, be entitled to be restored by
27 the employer to the position held by the employee when the leave commenced, or to a position with
28 equivalent seniority, status, employment benefits, pay, and other terms and conditions of
29 employment including fringe benefits and service credits that the employee had been entitled to at
30 the commencement of leave.

31 (g) During any caregiver leave taken pursuant to this chapter, the employer shall maintain
32 any existing health benefits of the employee in force for the duration of the leave as if the employee
33 had continued in employment continuously from the date he or she commenced the leave until the
34 date the caregiver benefits terminate; provided, however, that the employee shall continue to pay

1 any employee shares of the cost of health benefits as required prior to the commencement of the
2 caregiver benefits.

3 (h) No individual shall be entitled to waiting period credit or temporary caregiver benefits
4 under this section for any week beginning prior to January 1, 2014. An employer may require an
5 employee who is entitled to leave under the federal Family and Medical Leave Act, Pub. L. No.
6 103-3 and/or the Rhode Island parental and family medical leave act, § 28-48-1 et seq., who
7 exercises his or her right to benefits under the temporary caregiver insurance program under this
8 chapter, to take any temporary caregiver benefits received, concurrently, with any leave taken
9 pursuant to the federal Family and Medical Leave Act and/or the Rhode Island parental and family
10 medical leave act.

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

19 SECTION 4. This act shall take effect on January 1, 2025.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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

1 This act would make care recipients eligible for temporary caregiver benefits and increase
2 the maximum temporary caregiver benefit weeks from six (6) to eight (8) weeks over of period of
3 two years.

4 This act would take effect on January 1, 2025.

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