

Rhode Island Passes Paid Sick Leave Legislation

As sick leave legislation continues to sweep the nation, Rhode Island becomes the eighth state to pass paid sick leave. Mandatory paid sick leave is part of the Healthy and Safe Families and Workplaces Act, which takes effect July 1, 2018. The law, passed in September, is similar to that of many other states, but there are some variations.

Eligibility

The law applies to employers with 18 or more employees. It is unclear at this point if the law would impose unpaid leave requirements for smaller employers.

Leave accrual and carryover

- Generally, all employees, regardless of status — including full-time, part-time, and temporary — shall begin accruing paid sick leave beginning July 1, 2018, or upon hire, whichever is later.
- Employees must accrue sick leave at a rate of at least one hour for every 35 hours worked. This is a variation from the sick leave requirements of many other states, which provide one hour for every 30 worked.
- The annual accrual cap is 24 hours in 2018, 32 in 2019, and 40 in subsequent years, unless the employer sets a higher limit. This phase-in is a variation from the sick leave requirements of many other states.
- Employers may require a 90-day waiting period after date of hire for employees to use accrued sick leave.
- Unlike most other state sick leave requirements, employers may require a 150-day wait for seasonal employees.
- Generally, unused paid sick leave shall carry over to the following year.
- An employer may choose to frontload or grant a lump sum of sick leave entitlement so long as the frontloaded amount is sufficient to meet the requirements of the law.

What sick leave can be used for

Like many other state sick leave laws, employees will be able to use accrued sick leave for the following reasons:

- To deal with their own illness, injury, or health condition, including diagnosis, treatment, care, and preventive medical care
- To care for a family member's illness, injury, or health condition, including diagnosis, treatment, care, and preventive medical care
- Leave related to domestic violence, sexual assault, or stalking impacting an employee or covered relation
- Closure of the employee's place of business, or a child's school or place of care, by order of a public official due to a public health emergency
- Health authorities or a health care provider determine whether the employee or covered relation's presence in the community may jeopardize others' health because of the individual's exposure to a communicable disease, if the employee or covered relation has contracted the communicable disease

Family members are defined as

- Child
- Grandchild
- Parent (in-law)
- Grandparent
- Sibling
- Spouse
- Domestic partner
- Care recipients (those individuals for whom an employee is responsible for providing care)
- Members of the employee's household

Requesting sick leave

Employees shall provide reasonable notice when the need for sick leave is foreseeable. Employers may request reasonable verification from an employee when their use of sick leave is for an authorized purpose exceeding three days.

Notice and recordkeeping requirements

Employers must regularly notify employees about the amount of paid sick leave available to them.

Next steps for employers

- You must comply with these changes by July 1, 2018.
- Start thinking about updating your employee handbooks with this new policy:
 - If you have not previously offered sick leave to Rhode Island-based employees, you will be required to do so and should create a new policy to comply with these provisions.
 - If you already provide sick leave, review your current policies to make sure they comply with the provisions of the new law.
 - If you already provide all employees with sick or paid time off (PTO) benefits that exceed the requirements of the law, you do not need to implement a new policy, but may need to adjust your policy to allow a carryover to comply with the state regulations.
- Work with your payroll provider to determine how to comply with recordkeeping provisions; if HR Knowledge is your payroll provider, please contact your Client Account Manager.
- If you are one of our full-service clients, we will work with you to review your current PTO policies or provide you with sample language to ensure they are compliant with these new regulations. If you have any questions about how this new law interacts with your existing policies or affects your business, please [contact us](#).
- As more guidance and regulations on this statewide law become available, we will notify our clients of any additional details.

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