

## **e-Alert: Rhode Island Releases Sick Leave Proposed Regulations**

### **Background**

The Rhode Island Department of Labor and Training released its proposed regulations about the Rhode Island Healthy and Safe Families and Workplaces Act, or “Sick Leave law,” which goes into effect on July 1, 2018. Given that these are proposed regulations, there are still questions regarding how employers will need to comply with the law.

### **Key components of the law**

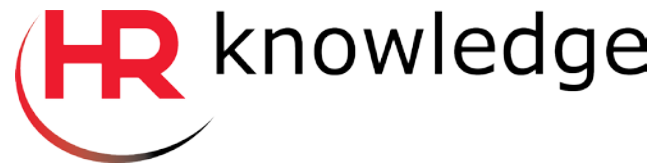
The Sick Leave law will require employers with 18 or more employees in Rhode Island to allow employees to accrue and use paid sick and safe leave.

### **Accrual and carryover**

- In general, all employees are eligible for paid leave beginning on July 1, 2018.
- Employees will be allowed to accrue one hour of sick time for every 35 hours worked. This is different from the more common, one hour for every 30 hours worked, requirement.
- Employees must be allowed to accrue up to 24 hours in 2018, 32 hours in 2019, and 40 hours in subsequent years.
- Regulations state that employees accrue sick time based on hours paid, not worked. Therefore, they would accrue sick time while on paid leave (holiday, personal time, sick time, and vacation time). This differs from many other sick time laws.
- Like the Massachusetts Earned Sick Time Law, employers can provide a monthly lump sum of sick leave, based on the employees’ average hours worked.
- Employers can front load the amount of leave at the beginning of each year, which avoids the need for an accrual tracking and carryover provisions.
- Employers with a paid time off or “PTO” policy that provides an amount of time equal to the law’s requirements are exempt from the accrual, carryover, and use requirements. For example, if you offer 40 hours of PTO to be used for sick, personal, and vacation time, you do not need to offer additional sick time.

### **Other guidelines**

- Employers can apply a 90-day waiting period for new hires to use sick time. They can also apply a much longer waiting period, 150 days for seasonal employees, and 180 days for temporary employees.
- Like many sick leave laws, employees can use leave for themselves, or to care for a family member. Family members include child, grandchild, grandparent, parent (in-law), sibling, spouse, care recipients, and members of the employee’s household.
- Employers can request medical documentation if the employee is absent for three or more consecutive sick days.
- Upon separation of employment, employers are not required to pay out accrued, unused sick time.
- Covered purposes for sick and safe leave:
  - Mental or physical illness, injury, or health condition of an employee or covered relation.



- Medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition of an employee or covered relation.
- Preventive medical care for an employee or covered relation.
- 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 determines the employee or covered relation's presence in the community may jeopardize others' health because of the individual's exposure to a communicable disease, whether or not the employee or covered relation has contracted the disease.

### Clarification still needed

There are certain areas of the law where clarification is still needed. For example, how will small employers, those with fewer than 18 employees, be impacted by this law? How do the carryover and accrual provisions affect organizations that have paid time off or “PTO” policies?

There was a public hearing scheduled to discuss these proposed regulations on April 2, with a comment period until April 8. We will communicate any information on this new law as it is announced. Our hope is that many of the inconsistencies and ambiguity in the proposed regulations will be addressed and fleshed out prior to the final regulations being published.

### Next steps for employers

- Start updating your employee handbooks with these new changes.
- If you have not previously offered paid sick time to employees, you will be required to do so and should create a new policy to comply with these provisions.
- If you already provide sick time, review your current policies to make sure they comply with the provisions of the new law.
- If you are one of our full-service clients, we will work with you to review your current policies to ensure they are compliant with these new proposed regulations.
- If you are not a current client but are interested in learning more about our services, please [contact us](#).

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