In 2017, the Rhode Island General Assembly passed the Healthy and Safe Families Workplace Act, which mandated that employers offer employees paid sick leave. The Governor signed the legislation into law in September 2017. After months of proposed rule making by the Dept. of Labor and Training (DLT), the Agency has promulgated the final rule.

RILBMDA members should note that the new paid sick leave law goes into effect July 1, 2018, which means you should review your current paid leave policies to ensure that they comply with the DLT’s final regulations, some of which are outlined here:

Who’s Covered:
• Employers with 18 or more employees must provide paid sick and safe leave and it must be paid.
• Employers with less than 18 employees must provide unpaid sick and safe leave and can’t take adverse action against employees if they use their time.
• Seasonal employees are entitled to paid sick and safe leave, and part-time employees must be able to accrue the leave at the minimum accrual rate.

How Much Paid Leave is Required and Accrual:
• Employers must provide at least 24 hours of paid leave in 2018, 32 hours of paid leave in 2019 and 40 hours of paid leave in 2020.
• If employers choose to use an accrual method, the law mandates accrual at a specific rate of 1 leave hour for every 30 hours worked.
• You may have your employees accrue time based on a benefit year rather than a calendar year, so long as full-time employees working a full year are able to earn the minimum amount of hours required by the law in 2018, 2019 and 2020.
• Employers can choose to “front-load” the paid leave - meaning provide all of the leave at the beginning of the calendar year and/or benefits years.

Existing Paid Time Off Policies and Tracking Accrual:
• First and foremost, employers with existing paid leave policies must be sure that they are meeting the minimum accrual amounts, and that the leave can be used for every covered reason in the regulations.
• Employers with paid leave policies that provide at least 24 hours of paid leave in 2018, 32 hours of paid leave in 2019, and 40 hours of paid leave in 2020 are exempt from having to use the accrual formula and do not need to allow carry over of unused time.
• Employers with paid leave policies that provide, at the beginning of the year, at least 24 hours of paid leave in 2018, 32 hours of paid leave in 2019, and 40 hours of paid leave in 2020 are exempt from tracking the accrual of leave, allowing for carry over, or paying employees for unused time.
The Waiting Period:
• Employers can have a 90-day waiting period for newly hired employees, meaning new hires cannot use their paid sick and safe leave until after 90 days of employment; however, the newly hired employees must be able to accrue the time off during the waiting period.
• Seasonal employees are eligible to begin using paid leave on the 151st day of employment and temporary employees can begin using paid leave on the 181st day of employment.

Who, What, and Why of Paid Leave:
• The paid sick and safe leave can be taken for a variety of reasons, including caring for traditional family members, such as children, parents, and spouses. The leave can also be used to care for any members of an employee’s household. The key definition is: family member means a child, parent, spouse, mother-in-law, father-in-law, grandparents, grandchildren or domestic partner, sibling, care recipient or member of the employee’s household.
• Additionally, employees can use their paid sick and safe leave for their own illness or preventative care as well as someone else’s illness or preventative care, closure of the business for health emergencies, closure of an employee’s child’s school due to health emergency, domestic violence situations, sexual assaults or stalking.

Notice of Absences & Documentation of Absences:
• Employers may not take adverse action against employees if they use their paid leave.
• Employers must provide employees with a written copy of the notice of absence provision in their policy, and the employers’ policy must clearly spell out the notice of absence provision.
• Employees must notify employers of “foreseeable leave.” Leave is considered foreseeable when it is planned at least 24 hours in advance of when it is required. The notice of foreseeable leave should be provided in a reasonable timeframe.
• In circumstances where use of leave is unforeseeable, employers must have policies that are reasonable to accommodate their employees’ unforeseeable leave.
• Employers are permitted to request documentation of an absence when an employee has been absent for 3 consecutive work days. Employers must include this in their policies and notify employees of this requirement in writing.
• The documentation request cannot impose undue burden or expense on the employee.

Other Items to Note:
• Employers are required to keep confidential any information regarding their employees’ use of paid sick and safe leave.
• Check the definition of terms in your policies, including family member and temporary employee.
• Employees still earn/accrue paid sick and save leave benefits while collecting other paid time off benefits, such as holiday pay, personal time, vacation, time, etc.

It’s imperative that businesses comply with the DLT’s final regulations on paid sick and safe leave. Noncompliance can result in hundreds or thousands of dollars in fines. A copy of the DLT’s final regulations can be found online. Please be sure to review your paid leave policies. As a member benefit, NRLA has a free digital customizable handbook, which has been updated to reflect Rhode Island’s requirements. To download an updated copy, click here (website login required).

If you have any additional questions or concerns, please feel free to contact Ashley Ranslow at aranslow@nrla.org or 518-880-6350.