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Rhode Island Laws Extend Paid Benefits to Caregivers

August 6, 2013

On July 11, 2013, the Governor of Rhode Island signed a new bill into law which will expand the state's temporary disability insurance program to provide wage replacement benefits to workers who take time off to care for a seriously ill family member.

Previously, the State of Rhode Island's disability insurance program covered workers if they took leave due to certain qualifying medical conditions from which they, personally, suffered. Under the new law, workers also will be entitled to receive wage replacement benefits when they need to take time off from their jobs in order to care for a seriously ill child, spouse, domestic partner, parent, parent-in-law, or grandparent, or to bond with a new child. The expanded benefits will be funded by a special payroll tax.

Effective January 1, 2014, the new law provides that qualified employees may receive temporary caregiver benefits for a maximum of four weeks in a year. Employees who take leave as temporary caregivers, and who receive benefits as such, may still take leave and receive disability benefits if they also suffer from their own disability or illness in the same year. However, the total amount of caregiver and disability benefits an employee receives cannot exceed thirty times employee's weekly income in a given year and an employee may not file for both temporary caregiver benefits and temporary disability benefits for the same purpose concurrently.

The new Act requires that temporary caregiver benefits be administered in accordance with the federal Family Medical Leave Act or the Rhode Island Parental and Family Medical Leave Act. Accordingly, employers can require their employees to take temporary caregiver benefits concurrently with leave taken pursuant to the federal and Rhode Island laws, where applicable. Similarly, the new law expressly requires employees who take temporary caregiver leave and receive benefits under the temporary caregiver program be restored to their former position or an equivalent position.

Rhode Island Department of Labor and Training Will Administer the Temporary Caregiver Insurance Program

The Rhode Island Department of Labor and Training, which has responsibility for administering the temporary disability insurance program, also will be responsible for administering the state's temporary caregiver insurance program. The Director of the Department of Labor and Training must issue implementing regulations, create the necessary applications and make all temporary caregiver insurance benefit determinations.

- **Employee Responsibilities**

Employees will be required to file a certificate form with the Department of Labor and Training in order to avail themselves of the law's benefits. In addition, the new law requires that employees provide their employers with written notice at least 30 days prior to taking leave, except in situations where either the need for leave or the timing of the leave is unforeseeable.

- **Employer Responsibilities**

Employers will be required to provide notice of rights and benefits to new employees hired after January 1, 2014, and to each employee taking leave on or after that date for reasons that may qualify them for benefits. In addition, employers must post and maintain information regarding the program, in accordance with their current obligations to post information about temporary disability insurance benefits.

Takeaway

Rhode Island employers should familiarize themselves with the new law and take the time to determine whether their existing leave policies, practices and benefits programs are consistent with the new law. Employers should be on the lookout for additional information from the Rhode Island Department of Employment and Training. In the meanwhile, employers should prepare to comply with the new notice and posting requirements. If you have any questions or concerns regarding the Rhode Island law, please contact your Proskauer lawyer or any co-chair of the Employment Law Training & Counseling Group.