

NEW

Rhode Island Law

Requires Employers to Provide

PAID SICK LEAVE

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Rhode Island became the eighth state to pass a paid sick leave law. (R.I. Gen. Laws 28-57-1et seq). The law requires Rhode Island employers with 18 or more employees to provide paid sick and safe leave as of July 1, 2018. For employers with less than 18 employees, the law mandates that employers allow use of unpaid sick leave. At first glance, the law appears to impact only those employers that do not presently offer paid sick leave. A closer look indicates otherwise. Essentially, the new law strips from an employer complete control of the shape of an employee benefit (paid sick time) and moves it into the legal entitlement column. For employers, the message is clear – a once fringe benefit offered by an employer is now a legal entitlement.

The following information is a general overview of the new law's key elements to help employers prepare their organizations for implementation.

Paid Sick and Safe Leave Requirement

If you are an employer with 18 or more employees, starting on July 1, 2018, you are required to allow employees to accrue and use paid sick leave time off at a rate of one hour of paid sick and safe leave time for every 35 hours worked up to a maximum number of hours.

- 24 hours during the calendar year of 2018;
- 32 hours during calendar year 2019; and every year after
- 40 hours during calendar year 2020 and every year after

If an employer's existing policy meets the paid time off law's accrual requirements, the employer does not have to provide any additional time off to the employee. Employers that provide 40 hours of paid time off or vacation to employees that also may be used as paid sick leave are not required to provide additional sick leave to employees who use all their time for other purposes, including vacation, provided that the employer makes it clear that additional time will not be provided.

Employers with fewer than 18 employees must provide employees with three days of unpaid leave per year in 2018, and up to 32 hours in 2019 and up to 40 hours in 2020 and every year going forward.

Exempt from the law's requirements are licensed nurses employed by a health care facility on a per diem basis.

Purposes for Using Paid Sick and Safe Time Off

The law allows employees to take leave for their own mental or physical illness and for a family member's illness, if their place of business or their child's school closes due to a public health emergency, and when the employee or employee's family member is a victim of domestic violence, sexual assault, or stalking. Employees can also use the time in four (4) hour increments or less if the employer does not have a written policy setting a minimum increment for sick leave.

Impact to Existing Paid Time Off Policies

Employers should evaluate their existing policies to determine if it includes all required reasons an employee may take leave under the law. If an employer's existing policy meets the paid time off law's accrual requirements, the employer does not have to provide any additional time off to the employee. Employers that provide 40 hours of paid time off or vacation to employees that also may be used as paid sick leave are not required to provide additional sick leave to employees who use all their time for other purposes, including vacation,

provided that the employer makes it clear that additional time will not be provided. The law also limits the ability of an employer to require that an employee provide documentation related to use of paid leave.

Employers need to carefully review and revise existing sick leave policies and implement a policy that will comply with the law.

What Should Employers Do Now?

Employers, whether they presently provide paid sick leave or not, need to review and understand the law's application and requirements. Employers need to carefully review and revise existing sick leave policies and implement a policy that will comply with the law.

Pannone Lopes Devereaux and O'Gara employment lawyers are available to help prepare your organization to be in compliance when the new law takes effect on July 1, 2018. Please contact attorneys William E. O'Gara and Matthew C. Reeber at 401-824-5100 or email wogara@pldolaw.com or mreeber@pldolaw.com.