

2016 -- H 7355

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS - CAREGIVER TEMPORARY
DISABILITY INSURANCE BENEFITS

Introduced By: Representatives Marcello, Hearn, Ajello, Tanzi, and Lombardi

Date Introduced: January 28, 2016

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-41-34 of the General Laws in Chapter 28-41 entitled
2 "Temporary Disability Insurance - Benefits" is hereby amended to read as follows:

3 **28-41-34. Temporary caregiver insurance.** -- The purpose of this chapter is to
4 establish, within the state temporary disability insurance program, a temporary caregiver
5 insurance program to provide wage replacement benefits in accordance with the provisions of this
6 chapter, to workers who take time off work to care for a seriously ill child, spouse, domestic
7 partner, parent, parent-in-law, grandparent, [sibling](#) or to bond with a new child.

8 Definitions as used in this chapter:

9 (1) "Child" means a biological, adopted, or foster son or daughter, a stepson or
10 stepdaughter, a legal ward, a son or daughter of a domestic partner, or a son or daughter of an
11 employee who stands in loco parentis to that child.

12 (2) "Newborn child" means a child under one year of age.

13 (3) "Adopted child" means a child adopted by, or placed for adoption with, the
14 employee.

15 (4) "Bonding or bond" means to develop a psychological and emotional attachment
16 between a child and his or her parent(s) or persons who stand in loco parentis. This shall involve
17 being in one another's physical presence.

18 (5) "Parent" means a biological, foster, or adoptive parent, a stepparent, a legal guardian,

1 or other person who stands in loco parentis to the employee or the employee's spouse or domestic
2 partner when he/she was a child.

3 (6) "Domestic partner" means a party to a civil union as defined by chapter 15-3.1.

4 (7) "Spouse" means a party in a common law marriage, a party in a marriage conducted
5 and recognized by another state or country, or in a marriage as defined by chapter 15-3.

6 (8) "Grandparent" means a parent of the employee's parent.

7 (9) "Parent-in-law" means the parent of the employee's spouse or domestic partner.

8 (10) "Employee" means any person who is or has been employed by an employer subject
9 to chapters 39 through 41 of this title and in employment subject to those chapters.

10 (11) "Serious health condition" means any illness, injury, impairment, or physical or
11 mental condition that involves inpatient care in a hospital, hospice, residential health care facility,
12 or continued treatment or continuing supervision by a licensed health care provider.

13 (12) "Department" means the department of labor and training.

14 (13) "Persons who stand in loco parentis" means those with day-to-day responsibilities to
15 care for and financially support a child or, in the case of an employee, who had such
16 responsibility for the employee when the employee was a child. A biological or legal relationship
17 shall not be required.

18 (14) "Sibling" means the brother or sister of an employee, who is in need of temporary
19 caregiver services, and there is no other person covered by this section, who is willing and
20 available to furnish the needed services.

21 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would add "siblings" to the class of workers who can receive temporary
2 disability benefits when providing caregiver services to their brother or sister under this act. The
3 sibling is eligible to receive TDI benefits when no other covered family member is available
4 and/or willing to provide the needed services.

5 This act would take effect upon passage.

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