STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

AN ACT

RELATING TO LABOR AND LABOR RELATIONS -- HEALTHY AND SAFE FAMILIES AND WORKPLACES ACT

Introduced By: Representatives Regunberg, Craven, Serpa, Maldonado, and Fogarty

Date Introduced: February 08, 2017

Referred To: House Labor

It is enacted by the General Assembly as follows:

SECTION 1. The General Assembly hereby finds and declares that:

(1) Most Rhode Islanders will at some time during each year need limited time off from work to take care of their own health needs or the health needs of their family members.

(2) Nationally, thirty-six (36%) of private sector employees do not have any paid sick leave time. In Rhode Island, access to paid sick leave is lower than the national average. Nearly one hundred sixty-nine thousand one hundred ninety-five (169,195) Rhode Islanders who work in the private sector or forty-one and a half percent (41.5%) of all private sector employees in Rhode Island, lack paid sick time.

(3) Employees’ access to paid sick leave time varies significantly by wage level and race. Nationally, only one in four of the lowest-income employees, (twenty-seven percent (27%)) has access to paid sick leave time, compared to eighty-seven percent (87%) of the highest-income employees. In addition, Hispanic employees are less likely to have access to paid sick time than white employees. Less than half of Hispanic employees (forty-six percent (46%)) have access to paid sick leave, compared to sixty-three percent (63%) of white employees.

(4) Providing employees time off to attend to their own health care and the health care of family members will help ensure a healthier and more productive workforce in the state of Rhode Island.

(5) Seventy-six percent (76%) of children in Rhode Island are in families where all
parents work, which means that parents without paid sick time must lose income and risk losing their jobs when a child is ill or is in need of medical care.

(6) In the state of Rhode Island, one hundred thirty-four thousand (134,000) people serve as caregivers for family members, work which has an aggregate value of nearly one billion, seven hundred eighty million dollars ($1,780,000,000) per year. Nationally, sixty-one percent (61%) of employees who juggle work with caregiving responsibilities have reported the need to make work accommodations such as adjusting their work schedules or taking time off to provide care for a family member. Working family caregivers cannot adequately care for their relatives without access to paid sick time.

(7) Paid sick time will have a positive effect on the individuals and the overall public health of Rhode Island by allowing employees to earn a limited number of hours per year to care for themselves or a family member when illness strikes or medical needs arise. Earned paid sick time will reduce recovery time, promote the use of regular medical providers rather than hospital emergency departments, and reduce the likelihood of people spreading illness to other members of the workforce and to the public.

(8) Paid sick time will allow parents to provide personal care for their sick children. Parental care reduces a child’s recovery time and can prevent future health problems. Parents who do not have paid sick time are nearly twice as likely as parents with paid sick time to send a sick child to school or daycare. In addition, parents who do not have paid sick time are two and one-half (2.5) times more likely to report taking their child or a family member to a hospital emergency room because they were unable to take time away from work during their regular work hours.

(9) Providing a minimal amount of paid sick time is affordable for employers and good for business. Paid sick time results in reduced employee turnover, which leads to reduced costs incurred from advertising, interviewing and training new hires. Replacing employees can cost the employer approximately twenty-one percent (21%) percent of an employee's annual compensation.

(10) Earned paid sick time will reduce the risk of "presenteeism" -- employees coming to work with illnesses and health conditions that reduce their productivity -- a problem that costs employers one hundred sixty billion dollars ($160,000,000,000) annually (two hundred seven billion dollars ($207,000,000,000) after adjusting for inflation).

(11) Earned paid sick time levels the playing field by enabling smaller companies to compete with larger companies.

(12) Earned paid sick time will reduce contagion. Employees in jobs with high levels of
public contact, such as restaurant employees and child care employees, are very unlikely to have paid sick time. As a result, these employees may have no choice but to go to work when they are ill, thereby increasing the risk of passing illnesses on to co-workers and customers while also jeopardizing their own health. Overall, people without paid sick time are one and one-half (1.5) times more likely than people with paid sick time to go to work with a contagious illness like the flu.

(13) A peer-reviewed epidemiological study found that nearly one in five (5) food service employees had reported for work vomiting or with diarrhea in the past year, creating dangerous health conditions. The largest national survey of U.S. restaurant employees found that nearly sixty-three percent (63%) of restaurant wait staff and cooks have been ill when reporting for work.

(14) In the event of an outbreak that presents a threat to public health for example, the H1N1 outbreak of 2009 government officials request that sick employees stay home and keep sick children home from school or child care to prevent the spread of the virus, and to safeguard workplace productivity. However, because many employees lack paid sick time, they may be unable to comply.

(15) During the height of the H1N1 pandemic, employees without access to paid sick time were more likely than those with access to paid sick leave to go to work sick, and as a result, the pandemic lasted longer in their workplaces as the virus spread from co-worker to co-worker. One study estimates that lack of paid sick time was responsible for five million (5,000,000) cases of influenza-like illness during the pandemic.

(16) More than one in four (4) American women report having experienced a negative impact from sexual violence, physical violence and/or stalking by an intimate partner at some point in their lives. Five million seven hundred thousand (5,700,000) women reported having experienced intimate partner-related physical assaults and rapes in the last twelve (12) months. In a national survey, nearly two million four hundred thousand (2,400,000) men reported having experienced severe physical violence by an intimate partner in the previous twelve (12) months. Many employees need time away from their jobs to care for their health after these incidents or to find solutions, such as obtaining a restraining order or new housing, to prevent physical or sexual abuse.

(17) Survivors of domestic and sexual violence are forced to lose days of paid employment because of the violence they face. According to National Violence Against Women Survey, the average intimate partner violence (IPV) rape victim misses eight and one-tenth (8.1) days of paid work, the average IPV physical assault victim misses seven and two-tenths (7.2)
days of paid work and the average IPV stalking victim misses ten and one-tenth (10.1) days of
paid work following victimization. Each year, victims of domestic violence are forced to miss
nearly eight million (8,000,000) days of paid work, costing more than seven hundred million
dollars ($700,000,000) annually due to victims' lost productivity in employment.

(18) Without job protection, survivors are in grave danger of losing their jobs. Between
twenty-five percent (25%) and fifty-two (52%) percent of domestic violence survivors report job
loss, due at least in part to the domestic violence. Loss of employment can be particularly
devastating for survivors of domestic violence, who often need economic security to ensure their
and their children's safety.

(19) As of November 2017, seven (7) states (including neighboring Connecticut and
Vermont), and the District of Columbia had adopted paid sick days legislation, as had two (2)
county governments, and 29 municipalities. In comparison, when Connecticut became the first
state to pass Paid Sick Days legislation in 2012, only San Francisco and DC had legislation in
place.

SECTION 2. Title 28 of the General Laws entitled "LABOR AND LABOR
RELATIONS" is hereby amended by adding thereto the following chapter:

CHAPTER 57

HEALTHY AND SAFE FAMILIES AND WORKPLACE ACT

28-57-1. Short title.

This chapter shall be known and may be cited as the "Healthy and Safe Families and
Workplaces Act."

28-57-2. Legislative purpose.

The purpose of this chapter is:

(1) To ensure that all employees in Rhode Island can address their own health and safety
needs, as well as the health and safety needs of their family members, by requiring employers to
allow employees to earn a minimum level of paid sick leave time including time to care for their
family members;

(2) To diminish public and private health care costs and promote preventive health
services in Rhode Island by enabling employees to seek early and routine medical care for
themselves and their family members;

(3) To protect the public health in Rhode Island by reducing the risk of contagion;

(4) To promote the economic security and stability of employees and their families;

(5) To protect employees in Rhode Island from losing their jobs or facing workplace
discipline for using paid sick and safe leave time to care for themselves or their families;
(6) To assist victims of domestic violence, sexual assault, or stalking and their family members by providing them with job-protected time away from work to allow them to receive treatment and to take the necessary steps to ensure their protection;

(7) To safeguard the public welfare, health, safety and prosperity of the people of Rhode Island; and

(8) To accomplish the purposes described above in a manner that is feasible for employers.


As used in the chapter, the following words and terms have the following meanings:

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

(2) "Domestic partner" means a party to a civil union as defined in chapter 3.1 of title 15 or a person who meets the requirements in §36-12-1(3)(i)-(v) has the same meaning as that term is defined in §8-2.20.

(3) "Domestic violence" means certain crimes when committed by one family or household member against another as defined in §12-29-2.

(4) "Employee" means any person suffered or permitted to work by an employer, except that independent contractors or subcontractors shall not be considered employees.

(5) "Employer" means any individual or entity includes any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer, in relation to an employee as defined in §28-12-2, but does not include the United States government.

(6) "Family member" means:

(i) Regardless of age, a biological, adopted or foster child, stepchild or legal ward, a child of a domestic partner, a child to whom the employee stands in loco parentis, or an individual to whom the employee stood in loco parentis when the individual was a minor;

(ii) A biological, foster, stepparent or adoptive parent or legal guardian of an employee's spouse or domestic partner or a person who stood in loco parentis when the employee or employee's spouse or domestic partner was a minor child;

(iii) A person to whom the employee is legally married under the laws of any state, or a domestic partner of an employee;

(iv) A grandparent, grandchild or sibling (whether of a biological, foster, adoptive or step relationship) of the employee or the employee's spouse or domestic partner; or

(v) Any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
"Health care professional" means any person licensed under federal or Rhode Island law to provide medical or emergency services, including, but not limited to, doctors, nurses, and emergency room personnel.

"Paid sick leave time" or "paid sick and safe leave time" means time that is compensated at the same hourly rate and with the same benefits, including health care benefits, as the employee normally earns during hours worked and is provided by an employer to an employee for the purposes described in §28-57-4, but in no case shall the hourly wage paid leave be less than that provided under §28-12-3.

"Retaliatory personnel action" means denial of any right guaranteed under this chapter and any threat, discharge, suspension, demotion, reduction of hours, reporting or threatening to report an employee's suspected citizenship or immigration status, or the suspected citizenship or immigration status of a family member of the employee to a federal, state or local agency, or any other adverse action against an employee for the exercise of any right guaranteed herein including any sanctions against an employee who is the recipient of public benefits for rights guaranteed under this chapter. Retaliatory personnel action shall also include interference with or punishment for in any manner participating in or assisting an investigation, proceeding, or hearing under this chapter.

"Sexual assault" means a crime as defined in §§11-37-2, 11-37-4 or 11-37-6.

"Stalking" means a crime as defined in §§11-59-2 and 11-52-4.2, harassing another person or willfully, maliciously and repeatedly following another person with the intent to place that person in reasonable fear of bodily injury.

"Year" means a regular and consecutive twelve (12) month period as determined by the employer; except that for the purposes of §§28-57-8 and 28-57-10 of this chapter, "year" means a calendar year.

"CCAP Family child care provider" means a child care worker as defined in §40-6.6-2.

28-57-4. Accrual of paid sick and safe leave time.

(a) All employees in Rhode Island shall accrue a minimum of one hour of paid sick and safe leave time for every thirty (30) hours worked up to a maximum of fifty-six (56) hours per year, unless the employer chooses to provide a higher annual limit.

(b) Employees who are exempt from the overtime requirements under 29 USC §213(a)(1) Of the Federal Fair Labor Standards Act, 29 U.S.C. §§201 et seq., will be assumed to work forty (40) hours in each work week for purposes of paid sick and safe leave time accrual unless their normal work week is less than forty (40) hours, in which case paid sick and safe leave...
time accrues based upon that normal work week.

(c) Paid sick and safe leave time as provided in this chapter shall begin to accrue at the
commencement of employment or pursuant to the law's effective date, whichever is later. An
employer may provide all paid sick and safe leave time that an employee is expected to accrue in
a year at the beginning of the year.

(d) Employees shall be entitled to use accrued paid sick and safe leave time beginning on
the ninetieth calendar day following commencement of their employment, unless otherwise
permitted by the employer. On and after the ninetieth calendar day of employment, employees
may use paid sick and safe leave time as it is accrued.

(e) Paid sick and safe leave time shall be carried over to the following calendar year;
however, an employee's use of paid sick and safe leave time provided under this chapter in each
calendar year shall not exceed fifty-six (56) hours. Alternatively, in lieu of carryover of unused
earned paid sick and safe leave time from one year to the next, an employer may pay an employee
for unused earned paid sick and safe leave time at the end of a year and provide the employee
with an amount of paid sick and safe leave that meets or exceeds the requirements of this chapter
that is available for the employee's immediate use at the beginning of the subsequent year.

(f) Any employer with a paid leave time off policy who makes available an amount of
paid leave time off sufficient to meet the accrual requirements of this section that may be used for
the same purposes and under the same conditions, including with regards to employee notice and
documentation, as paid sick and safe leave time under this chapter is not required to provide
additional paid sick and safe leave time.

(g) Nothing in this chapter shall be construed as requiring financial or other
reimbursement to an employee from an employer upon the employee's termination, resignation,
retirement, or other separation from employment for accrued paid sick and safe leave time that
has not been used.

(h) If an employee is transferred to a separate division, entity or location, but remains
employed by the same employer, the employee is entitled to all paid sick and safe leave time
accrued at the prior division, entity or location and is entitled to use all paid sick and safe leave
time as provided in this chapter. When there is a separation from employment and the employee
is rehired within one year of separation by the same employer, previously accrued paid sick and
safe leave time that had not been used shall be reinstated. Further, the employee shall be entitled
to use accrued paid sick and safe leave time and accrue additional sick and safe leave time at the
re-commencement of employment.

(i) When a different employer succeeds or takes the place of an existing employer, all
employees of the original employer who remain employed by the successor employer are entitled
to all earned paid sick and safe leave time they accrued when employed by the original employer,
and are entitled to use earned paid sick and safe leave time previously accrued.

(j) At its discretion, an employer may loan sick and safe leave time to an employee in
advance of accrual by such employee.

28-57-5. Use of paid sick and safe leave time.

(a) Paid sick and safe leave time shall be provided to an employee by an employer for:

(1) An employee's mental or physical illness, injury or health condition; an employee's
need for medical diagnosis, care, or treatment of a mental or physical illness, injury or health
condition; an employee's need for preventive medical care;

(2) Care of a family member with a mental or physical illness, injury or health condition;
care of a family member who needs medical diagnosis, care, or treatment of a mental or physical
illness, injury or health condition; care of a family member who needs preventive medical care;

(3) Closure of the employee's place of business by order of a public official due to a
public health emergency or an employee's need to care for a child whose school or place of care
has been closed by order of a public official due to a public health emergency, or care for oneself
or a family member when it has been determined by the health authorities having jurisdiction or
by a health care provider that the employee's or family member's presence in the community may
jeopardize the health of others because of their exposure to a communicable disease, whether or
not the employee or family member has actually contracted the communicable disease; or

(4) Time off needed when the employee or a member of the employee's family is a victim
of domestic violence, sexual assault or stalking.

(b) Paid sick and safe leave time shall be provided upon the request of an employee. Such
request may be made orally, in writing, by electronic means or by any other means acceptable to
the employer. When possible, the request shall include the expected duration of the absence.

(c) When the use of paid sick and safe leave time is foreseeable, the employee shall make
a good faith effort to provide notice of the need for such time to the employer in advance of the
use of the sick and safe leave time and shall make a reasonable effort to schedule the use of sick
and safe leave in a manner that does not unduly disrupt the operations of the employer.

(d) An employer that requires notice of the need to use earned paid sick and safe leave
time where the need is not foreseeable shall provide a written policy that contains procedures for
the employee to provide notice. An employer that has not provided to the employee a copy of its
written policy for providing such notice shall not deny earned paid sick and safe leave time to the
employee based on non-compliance with such a policy.
(e) Paid sick and safe leave time may be used in the lesser of hourly increments or the smallest increment that the employer's payroll system uses to account for absences or use of other time.

(f) For paid sick and safe leave time of more than three (3) consecutive work days, an employer may require reasonable documentation that the paid sick and safe leave time has been used for a purpose covered by subsection (a) of this section if the employer has notified the employee in writing of this requirement in advance of the employee's use of paid sick and safe time. An employer may not require that the documentation explain the nature of the illness or the details of the domestic violence, sexual assault, or stalking.

   (1) Documentation signed by a health care professional indicating that paid sick leave time is necessary shall be considered reasonable documentation under subsection (a) of this section.

   (2) One of the following, of the employee's choosing, shall be considered reasonable documentation of an absence under subsection (a)(4) of this section:

      (i) An employee's written statement that the employee or the employee's family member is a victim of domestic violence, sexual assault, or stalking and that the leave taken was for one of the purposes of §28-57-5(a)(4);

      (ii) A police report indicating that the employee or employee's family member was a victim of domestic violence, sexual assault, or stalking;

      (iii) A court document indicating that the employee or employee's family member is involved in legal action related to domestic violence, sexual assault, or stalking; or

      (iv) A signed statement from a victim and witness advocate affirming that the employee or employee's family member is receiving services from a victim services organization or is involved in legal action related to domestic violence, sexual assault, or stalking.

(g) An employer's requirements for verification may not result in an unreasonable burden or expense on the employee and may not exceed privacy or verification requirements otherwise established by law.

(h) An employer may not require, as a condition of an employee's taking paid sick and safe leave time, that the employee search for or find a replacement worker to cover the hours during which the employee is using paid sick and safe leave time.

28-57-6. Family child care providers.

CCAP family child care providers, shall accrue and may use paid sick and safe leave in the same manner as do employees under this chapter. The implementation, but not the amount, of paid sick and safe leave for CCAP family child care providers shall be a subject of negotiation.
with director of the department of administration under §40-6.6-4. The department of human
services shall promulgate any necessary regulations to implement the requirement of paid sick
and safe leave for CCAP family child care providers.


(a) It shall be unlawful for an employer or any other person to interfere with, restrain, or
deny the exercise, or the attempt to exercise, any right protected under this chapter.

(b) An employer shall not take retaliatory personnel action or discriminate against an
employee or former employee because the person has exercised rights protected under this
chapter. Such rights include, but are not limited to, the right to request or use paid sick and safe
leave pursuant to this chapter; the right to file a complaint with the department or the courts or
inform any person about any employer's alleged violation of this chapter; the right to participate
in an investigation, hearing or proceeding or cooperate with or assist the department in its
investigations of alleged violations of this chapter; and the right to inform any person of their
potential rights under this chapter.

(c) It shall be unlawful for an employer's absence control policy to count paid sick and
safe leave time taken under this chapter as an absence that may lead to or result in discipline,
discharge, demotion, suspension, or any other adverse action.

(d) Protections of this section shall apply to any person who mistakenly but in good faith
alleges violations of this chapter.

(e) There shall be a rebuttable presumption of unlawful retaliatory personnel action under
this section whenever an employer takes action against a person within ninety (90) days of when
that person:

(1) Files a complaint with the department or a court alleging a violation of any provision
of this chapter;

(2) Informs any person about an employer's alleged violation of this chapter;

(3) Cooperates with the department or other persons in the investigation or prosecution of
any alleged violation of this chapter;

(4) Opposes any policy, practice, or act that is unlawful under this chapter; or

(5) Informs any person of their rights under this chapter.


(a) Employers shall give employees written notice of the following at the commencement
of employment or by the effective date of this chapter, whichever is later, which shall include the
following information:

(1) Employees are entitled to paid sick and safe leave time;
(2) The amount of paid sick and safe leave time;

(3) The terms of paid sick and safe leave time use guaranteed under this chapter;

(4) That retaliatory personnel actions against employees who request or use paid sick and safe leave time is prohibited;

(5) That each employee has the right to file a complaint or bring a civil action if paid sick and safe leave time, as required by this chapter, is denied by the employer or the employee is subjected to retaliatory personnel action for requesting or taking paid sick and safe leave time; and

(6) Contact information for the department where questions about rights and responsibilities under this chapter can be answered.

(b) Employers shall comply with this section by supplying each of their employees with a notice in English and in any language that is the first language spoken by at least five percent (5%) of the employer's workforce that contains the information required in subsection (a) of this section, provided that the notice has been translated into such language by the department.

(c) The amount of paid sick and safe leave time available to the employee, the amount of paid sick and safe leave time taken by the employee to date in the year and the amount of pay the employee has received as paid sick and safe leave time shall be recorded in, or on an attachment to, the employee's regular paycheck or be made available at the employees request.

(d) Employers shall display a poster in a conspicuous and accessible place in each establishment where such employees are employed. The poster displayed shall be in English and in any language that is the first language spoken by at least five percent (5%) of the employer's workforce that contains the information required in subsection (a) of this section, provided that the poster has been translated into such language by the department.

(e) The department shall create and make available to employers, in all languages spoken by more than five percent (5%) of Rhode Island's population and any language deemed appropriate by the department, posters that contain the information required under subsection (a) of this section.

(f) An employer who willfully violates the notice and posting requirements of this section shall be subject to a civil fine in an amount not to exceed one hundred dollars ($100) for each separate violation.


Employers shall retain records documenting hours worked by employees and paid sick and safe leave time taken by employees, for a period of three (3) years, and shall allow the department access to such records, with appropriate notice and at a mutually agreeable time, to
monitor compliance with the requirements of this chapter. When an issue arises as to an employee’s entitlement to paid sick and safe leave time under this chapter, if the employer does not maintain or retain adequate records documenting hours worked by the employee and paid sick and safe leave time taken by the employee, or does not allow the department reasonable access to such records, it shall be presumed that the employer has violated the chapter, absent clear and convincing evidence otherwise.

28-57-10. Regulations.

The department shall coordinate implementation and enforcement of this chapter and shall promulgate appropriate guidelines or regulations for such purposes.


(a) The department shall enforce the provisions of this chapter. In effectuating such enforcement, the department shall establish a system utilizing multiple means of communication to receive complaints regarding noncompliance with this chapter and investigate complaints received by the department in a timely manner. The department is empowered to hold hearings and shall cooperate with any employee in the enforcement of a claim against their employer in any case where the claim is just and valid.

(b) Any person alleging a violation of this chapter shall have the right to file a complaint with the department within one year of the date the person knew or should have known of the alleged violation. The department shall maintain confidential the identity of any complainant unless disclosure of such complainant’s identity is necessary for resolution of the investigation or otherwise required by law. The department shall, to the extent practicable, notify such complainant that the department will be disclosing their identity prior to such disclosure.

(c) Upon receiving a complaint alleging a violation of this chapter, the department shall investigate such complaint and attempt to resolve it through mediation. The department shall keep complainants reasonably notified regarding the status of their complaint and any resultant investigation. If the department believes that a violation has occurred, it shall issue to the offending person or entity a notice of violation. The commissioner shall prescribe the form and content of such notices of violation. The notice of violation shall be returnable to the administrative tribunal authorized to adjudicate violations of this chapter.

(d) The department shall have the power to impose penalties as provided in subsection (h) of this section and to grant an employee or former employee all appropriate relief.

(e) In the event a complaint deemed just and valid cannot be resolved by the department through mediation, the department shall order a hearing thereon at a time and place to be specified, and shall give notice thereof, together with a copy of the complaint or the purpose
thereof, or a statement of the facts disclosed upon investigation, which notice shall be served personally or by mail on any person, business, corporation, or entity of any kind affected thereby. The hearing shall be scheduled within thirty (30) days upon determination that the complaint is just and valid. The person, business, corporation, or entity shall have an opportunity to be heard in respect to the matters complained of at the time and place specified in the notice. The hearing shall be conducted by the department. The hearing officer in the hearing shall be deemed to be acting in a judicial capacity, and shall have the right to issue subpoenas, administer oaths, and examine witnesses. The enforcement of a subpoena issued under this section shall be regulated by Rhode Island civil practice law and rules. The hearing shall be expeditiously conducted and upon such hearing the hearing officer shall determine the issues raised thereon and shall make a determination and enter an order within thirty (30) days of the close of the hearing, and forthwith serve a copy of the order, with a notice of the filing thereof, upon the parties to the proceeding, personally or by mail. The order shall dismiss the complaint or direct payment of penalties under subsection (h) of this section and direct payment of reasonable attorneys’ fees and costs to the successful complaining party.

(f) The director may institute investigations into violations of this chapter absent receipt of a complaint and may institute any action to ensure compliance with this chapter.

(g) Any agreement between the employee and employer that purports to waive the provisions of this chapter shall be deemed void as against public policy.

(h) An employer who violates this chapter shall be liable for a civil penalty in an amount not less than five hundred dollars ($500) and not greater than three thousand dollars ($3,000) for each violation of this chapter for a first offense and up to five thousand dollars ($5,000) for each violation of this chapter for any subsequent offense, which shall be shared equally between the department and the aggrieved party.

(i) In determining the amount of any penalty imposed under this section, the director or their designee shall consider the good faith of the employer, the size of the employer, the gravity of the violation, the history of previous violations, and whether or not the violation was an innocent mistake or willful.

(j) (1) The department, the attorney general, any person aggrieved by a violation of this chapter, or any entity a member of which is aggrieved by a violation of this chapter may bring a civil action in a court of competent jurisdiction against an employer violating this section. Such action may be brought by a person aggrieved by a violation of this section without first filing an administrative complaint.

(2) Upon prevailing in an action brought pursuant to this section, aggrieved persons shall
recover the full amount of any unpaid paid sick time plus any actual damages suffered as the result of the employer's violation of this chapter plus liquidated damages of at least as much as provided as penalty amounts in subsection (h) of this section. Successful aggrieved persons shall also be entitled to reasonable attorneys' fees.

(3) Upon prevailing in an action brought pursuant to this section, aggrieved persons shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation, including, without limitation, reinstatement to employment, back pay and injunctive relief.

(4) The statute of limitations for a civil action brought pursuant to this section shall be for a period of three (3) years from the date the alleged violation occurred or the date the employee knew or should have known of the violation.


An employer may not require disclosure of details relating to domestic violence, sexual assault, sexual contact or stalking or the details of an employee's or an employee's family member's health information as a condition of providing paid sick and safe leave time under this chapter. If an employer possesses health information or information pertaining to domestic violence, sexual assault, sexual contact, or stalking about an employee or employee's family member, such information shall be treated as confidential and not disclosed except to the affected employee or with the permission of the affected employee.


(a) This chapter provides minimum requirements pertaining to paid sick and safe leave time and shall not be construed to preempt, limit, or otherwise affect the applicability of any other law, regulation, requirement, policy, or standard that provides for greater accrual or use by employees of sick and safe leave time, whether paid or unpaid, or that extends other protections to employees.

(b) Nothing in this chapter shall be construed to supersede or preempt any provision of any local law that provides greater rights to paid sick and safe leave time than the rights established under this chapter.

(c) Nothing in this chapter shall be construed in a manner to discourage or prohibit an employer from the adoption of a paid sick and safe leave time policy greater that provides greater rights or benefits than the one required in this chapter.

(d) Nothing in this chapter shall be construed as diminishing the obligation of an employer to comply with any contract, collective bargaining agreement, employment benefit plan or other agreement that provides greater sick and safe leave time to an employee than required in this chapter.
(e) Nothing in this chapter shall be construed as diminishing the rights of public
employees regarding paid sick and safe leave or use of sick and safe leave time as provided in the
general laws.


The department shall develop and implement a multilingual outreach program to inform
employees, parents, and persons who are under the care of a health care provider about the
availability of paid sick and safe leave time under this chapter. This program shall include the
distribution of notices and other written materials in English and in all languages spoken by more
than five percent (5%) of Rhode Island's population and any language deemed appropriate by the
department to all child care and elder care providers, domestic violence shelters or victim services
organizations, schools, hospitals, community health centers, and other health care providers.


If any provision of this chapter or any rule or regulation created under this chapter, or the
application of any provision of this chapter to any person or circumstance shall be held invalid by
any court of competent jurisdiction, the remainder of the chapter, rule or regulation and the
application of such provision to other persons or circumstances shall not be affected thereby. The
invalidity of any section or sections or parts of any section of this chapter shall not affect the
validity of the remainder of this chapter and to this end the provisions of the chapter are declared
to be severable.

SECTION 3. This act shall take effect on January 1, 2018.
EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N   A C T
RELATING TO LABOR AND LABOR RELATIONS -- HEALTHY AND SAFE FAMILIES
AND WORKPLACES ACT

***
1  This act would require all employers to provide their employees with a minimum level of
2  paid sick and safety leave including time to care for the employee's family members.
3  This act would take effect on January 1, 2018.