STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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RELATING TO LABOR AND LABOR RELATIONS -- PARENTAL AND FAMILY MEDICAL LEAVE ACT

Introduced By: Senators Goldin, Miller, Metts, Goodwin, and Ruggerio

DateIntroduced: February 25, 2016

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

SECTION 1. Sections 28-48-1 and 24-48-2 of the General Laws in Chapter 28-48 entitled "Rhode Island Parental and Family Medical Leave Act" are hereby amended to read as follows:

28-48-1. Definitions. -- As used in this chapter, the following words and terms have the following meanings:

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

(2) "Employee" means any full-time employee who works an average of thirty (30) or more hours per week.

(3) "Employer" means and includes:

(i) any person, sole proprietorship, partnership, corporation, or other business entity that employs fifty (50) or more employees,

(ii) the state of Rhode Island, including the executive, legislative, and judicial branches, and any state department or agency that employs any employees,

(iii) any city or town or municipal agency that employs thirty (30) or more employees,

and

(iv) any person who acts directly or indirectly in the interest of any employer.

(4) "Family leave" means leave by reason of the serious illness of a family member.

(5) "Family member" means a parent, spouse, child, mother-in-law, father-in-law,
grandparent, grandchild, domestic partner, partner in civil union, sibling, or the employee himself
or herself, and with respect to employees of the state as defined in subsection (3)(ii), shall include
domestic partners as defined in § 36-12-1(3).

(6) "Parental leave" means leave by reason of the birth of a child of an employee or the
placement of a child sixteen (16) years of age or less with an employee in connection with for the
adoption, kinship care or foster care of the child by the employee.

(7) "Serious illness" means a disabling physical or mental illness, injury, impairment, or
condition that involves inpatient care in a hospital, a nursing home, or a hospice, or outpatient
care requiring continuing treatment or supervision by a health care provider.

28-48-2. Parental leave and family leave requirement.-- (a) Every employee who has
been employed by the same employer for twelve (12) consecutive months shall be entitled, upon
advance notice to his or her employer, to thirteen (13) consecutive work weeks of parental leave
or family leave in any two (2) calendar years. The employee shall give at least thirty (30) days
notice of the intended date upon which parental leave or family leave shall commence and
terminate, unless prevented by medical emergency from giving the notice. The employer may use
its discretion in approving requests for parental leave or family leave when thirty (30) days' notice
is not practicable due to unforeseen circumstances. The director shall promulgate regulations
governing the form and content of the employee's notice to the employer.

(b) Parental leave or family leave granted pursuant to this chapter may consist of unpaid
leave. If an employer provides paid parental leave or family leave for fewer than thirteen (13)
weeks, the additional weeks of leave added to attain the total of thirteen (13) weeks required by
subsection (a) of this section may be unpaid.

(c) The employer may request that the employee provide the employer with written
certification from a physician caring for the person who is the reason for the employee's leave,
which certification shall specify the probable duration of the employee's leave.

SECTION 2. This act shall take effect upon passage.
This act would add foster care to the definition of parental care for purpose of the "Parental and Family Medical Leave Act". It would also grant employers discretion to approve requests for family leave when they have not been given thirty (30) days' notice due to unforeseen circumstances.

This act would take effect upon passage.

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