

2018 -- H 7429

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LC003117  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- EDUCATIONAL/ CHILD CARE  
INVOLVEMENT LEAVE

Introduced By: Representatives Carson, Donovan, Morin, Ranglin-Vassell, and Walsh

Date Introduced: February 02, 2018

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-48-12 of the General Laws in Chapter 28-48 entitled "Rhode  
2 Island Parental and Family Medical Leave Act" is hereby repealed.

3 ~~**28-48-12. School involvement leave.**~~

4 ~~(a) An employee who has been employed by the same employer for twelve (12)~~  
5 ~~consecutive months shall be entitled to a total of ten (10) hours of leave during any twelve (12)~~  
6 ~~month period to attend school conferences or other school related activities for a child of whom~~  
7 ~~the employee is the parent, foster parent or guardian.~~

8 ~~(b) The employee must provide twenty four (24) hours prior notice of the leave and make~~  
9 ~~a reasonable effort to schedule the leave so as not to unduly disrupt the operations of the~~  
10 ~~employer.~~

11 ~~(c) Nothing in this section shall be construed to require the leave be paid; except that~~  
12 ~~under this section, an employee may substitute any accrued paid vacation leave or other~~  
13 ~~appropriate paid leave for any part of the leave.~~

14 SECTION 2. Chapter 28-48 of the General Laws entitled "Rhode Island Parental and  
15 Family Medical Leave Act" is hereby amended by adding thereto the following section:

16 **28-48-13. Educational/ child care involvement leave.**

17 (a) As used in this section, the following words and terms have the following meanings:

18 (1) "Child care provider or school emergency" means that an employee's child cannot

1 remain in a school or with a child care provider due to one of the following:

2 (i) The school or child care provider has requested that the child be picked up, or has an  
3 attendance policy, excluding planned holidays, that prohibits the child from attending or requires  
4 the child to be picked up from the school or child care provider.

5 (ii) Behavioral or discipline problems.

6 (iii) Closure or unexpected unavailability of the school or child care provider, excluding  
7 planned holidays.

8 (iv) A natural disaster, including, but not limited to, fire, snowstorm, hurricane, or flood.

9 (2) "Parent" means a parent, guardian, step-parent, foster parent, or custodial grandparent  
10 of, or other person acting in loco parentis to, a child.

11 (b)(1) An employer shall not discharge or in any way discriminate against an employee  
12 who is a parent of one or more children of the age to attend kindergarten or grades one through  
13 twelve (12), inclusive, or one or more children who receive care from a licensed child care  
14 provider, for taking off up to forty (40) hours each year, for the purpose of either of the following  
15 child-related activities:

16 (i) To find, enroll, or reenroll their child in a school or with a licensed child care provider,  
17 or to participate in activities of the school or licensed child care provider of their child, if the  
18 employee, prior to taking the time off, gives reasonable notice to the employer of the planned  
19 absence of the employee. Time off pursuant to this subsection shall not exceed eight (8) hours in  
20 any calendar month of the year;

21 (ii) To address a child care provider or school emergency, if the employee gives notice to  
22 the employer.

23 (2) If more than one parent of a child is employed by the same employer at the same  
24 worksite, the entitlement under this section of a planned absence as to that child applies, at any  
25 one time, only to the parent who first gives notice to the employer, such that another parent may  
26 take a planned absence simultaneously as to that same child under the conditions described in this  
27 subsection only if they obtain the employer's approval for the requested time off.

28 (c)(1) The employee shall utilize existing vacation, personal leave, or compensatory time  
29 off for purposes of the planned absence authorized by this section, unless otherwise provided by a  
30 collective bargaining agreement entered into before September 1, 2018, and in effect on that date.  
31 An employee also may utilize time off without pay for this purpose, to the extent made available  
32 by their employer. The entitlement of any employee under this section shall not be diminished by  
33 any collective bargaining agreement term or condition that is agreed to on or after September 1,  
34 2018.

1           (2) Notwithstanding the provisions of this subsection, in the event that all permanent,  
2 full-time employees of an employer are accorded vacation during the same period of time in the  
3 calendar year, an employee of that employer may not utilize that accrued vacation benefit at any  
4 other time for purposes of the planned absence authorized by this section.

5           (d) The employee, if requested by the employer, shall provide documentation from the  
6 school or licensed child care provider as proof that they engaged in child-related activities  
7 permitted in subsection (b) of this section on a specific date and at a particular time. For purposes  
8 of this subsection, "documentation" means whatever written verification of parental participation  
9 the school or licensed child care provider deems appropriate and reasonable.

10           (e) Any employee who is discharged, threatened with discharge, demoted, suspended, or  
11 in any other manner discriminated against in terms and conditions of employment by their  
12 employer because the employee has taken time off to engage in child-related activities permitted  
13 in subsection (b) of this section shall be entitled to reinstatement and reimbursement for lost  
14 wages and work benefits caused by the acts of the employer. Any employer who willfully refuses  
15 to rehire, promote, or otherwise restore an employee or former employee who has been  
16 determined to be eligible for rehiring or promotion by a grievance procedure, arbitration, or  
17 hearing authorized by law shall be subject to a civil penalty in an amount equal to three (3) times  
18 the amount of the employee's lost wages and work benefits.

19           SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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RELATING TO LABOR AND LABOR RELATIONS -- EDUCATIONAL/ CHILD CARE  
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1           This act would grant parents, guardians, step-parents, foster parents, and custodial  
2 grandparents of or a person who stands in loco parentis to, children attending kindergarten, grades  
3 one through twelve (12), inclusive, or attending a licensed child care provider, to utilize up to  
4 forty (40) hours from existing vacation period time per year for the purpose of educational/child  
5 care involvement leave.

6           This act would take effect upon passage.

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