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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- TEMPORARY DISABILITY  
INSURANCE--GENERAL PROVISIONS

Introduced By: Representatives Blazejewski, Caldwell, Slater, Alzate, and Casimiro

Date Introduced: February 26, 2020

Referred To: House Finance

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 28-39-2 of the General Laws in Chapter 28-39 entitled "Temporary  
2 Disability Insurance - General Provisions" is hereby amended to read as follows:

3           **28-39-2. Definitions.**

4           The following words and phrases, as used in chapters 39 — [through](#) 41 of this title, have  
5 the following meanings unless the context clearly requires otherwise:

6           (1) "Average weekly wage" means the amount determined by dividing the individual's total  
7 wages earned for services performed in employment within his or her base period by the number  
8 of that individual's credit weeks within the base period;

9           (2) "Base period" with respect to an individual's benefit year when the benefit year begins  
10 on or after October 7, 1990, means the first four (4) of the most recently completed five (5) calendar  
11 quarters immediately preceding the first day of an individual's benefit year; provided, that for any  
12 individual's benefit year when the benefit year begins on or after October 4, 1992, and for any  
13 individual deemed monetarily ineligible for benefits under the "base period" as defined in this  
14 subdivision, the department shall make a re-determination of entitlement based upon an alternate  
15 base period which consists of the last four (4) completed calendar quarters immediately preceding  
16 the first day of the claimant's benefit year. Notwithstanding anything contained to the contrary in  
17 this subdivision, the base period shall not include any calendar quarter previously used to establish  
18 a valid claim for benefits; provided, however, that the "base period" with respect to members of the

1 United States military service, the Rhode Island National Guard, or a United States military reserve  
2 force, and who served in a United States declared combat operation during their military service,  
3 who file a claim for benefits following their release from their state or federal active military service  
4 and who are deemed to be monetarily ineligible for benefits under this section, shall mean the first  
5 four (4) of the most recently completed five (5) calendar quarters immediately preceding the first  
6 day the individual was called into that state or federal active military service; provided, that for any  
7 individual deemed monetarily ineligible for benefits under the "base period" as defined in this  
8 section, the department shall make a re-determination of entitlement based upon an alternative base  
9 period which consists of the last four (4) completed calendar quarters immediately preceding the  
10 first day the claimant was called into that state or federal active military service. Notwithstanding  
11 any provision of this section of the general or public laws to the contrary, the base period shall not  
12 include any calendar quarter previously used to establish a valid claim for benefits;

13 (3) "Benefit" means the money payable, as provided in chapters 39 ~~–~~ [through](#) 41 of this  
14 title, to an individual as compensation for his or her unemployment caused by sickness [or reasons](#)  
15 [allowed under this title](#);

16 (4) "Benefit credits" means the total amount of money payable to an individual as benefits,  
17 as provided in § 28-41-7;

18 (5) "Benefit rate" means the money payable to an individual as compensation, as provided  
19 in chapters 39 ~~–~~ [through](#) 41 of this title, for his or her wage losses with respect to any week during  
20 which his or her unemployment is caused by sickness [or reasons allowed under this title](#);

21 (6) "Benefit year" with respect to any individual who does not already have a benefit year  
22 in effect, and who files a valid claim for benefits as of November 16, 1958 or any later date, means  
23 fifty-two (52) consecutive calendar weeks, the first of which shall be the week containing the day  
24 as of which he or she first files that valid claim in accordance with regulations adopted as  
25 subsequently prescribed; provided, that for any benefit year beginning on or after October 7, 1990,  
26 the benefit year shall be fifty-three (53) consecutive calendar weeks if the subsequent filing of a  
27 new valid claim immediately following the end of a previous benefit year would result in the  
28 overlapping of any quarter of the base period of the prior new claim. In no event shall a new benefit  
29 year begin prior to the Sunday next following the end of the old benefit year;

30 (i) For benefit years that begin on or after July 1, 2012, an individual's benefit year will  
31 begin on the Sunday of the calendar week in which an individual first became unemployed due to  
32 sickness and for which the individual has filed a valid claim for benefits;

33 (7) "Board" means the board of review as created under chapter 19 of title 42;

34 (8) "Calendar quarter" has the same definition as contained in chapter 42 of this title;

1 (9) "Credit week" means any week within an individual's base period in which that  
2 individual earns wages amounting to at least twenty (20) times the minimum hourly wage as  
3 defined in chapter 12 of this title, for performing services in employment for one or more employers  
4 subject to chapters 39 ~~–~~ [through](#) 41 of this title;

5 (10) "Director" means the director of the department of labor and training;

6 (11) "Employee" means any person who is or has been employed by an employer subject  
7 to chapters 39 ~~–~~ [through](#) 41 of this title and in employment subject to those chapters;

8 (12) "Employer" means any employing unit that is an employer under chapters 42 ~~–~~  
9 [through](#) 44 of this title;

10 (13) "Employing unit" has the same definition as contained in chapter 42 of this title and  
11 includes any governmental entity that elects to become subject to the provisions of chapters 39 ~~–~~  
12 [through](#) 41 of this title, in accordance with the provisions of §§ 28-39-3.1 and 28-39-3.2;

13 (14) "Employment" has the same definition as contained in chapter 42 of this title;

14 (15) "Employment office" has the same definition as contained in chapter 42 of this title;

15 (16) "Fund" means the Rhode Island temporary disability insurance fund established by  
16 this chapter;

17 (17) "Partial unemployment due to sickness". For weeks beginning on or after January 1,  
18 2006 an individual shall be deemed partially unemployed due to sickness in any week of less than  
19 full-time work if he or she fails to earn in wages for services for that week an amount equal to the  
20 weekly benefit rate for total unemployment due to sickness to which he or she would be entitled if  
21 totally unemployed due to sickness and eligible.

22 (i) For the purposes of this subdivision and subdivision (22) of this section, "Wages"  
23 includes only that part of remuneration for any work, which is in excess of one-fifth (1/5) of the  
24 weekly benefit rate for total unemployment, rounded to the next lower multiple of one dollar  
25 (\$1.00), to which the individual would be entitled if totally unemployed and eligible in any one  
26 week, and "services" includes only that part of any work for which remuneration in excess of one-  
27 fifth (1/5) of the weekly benefit rate for total unemployment, rounded to the next lower multiple of  
28 one dollar (\$1.00), to which the individual would be entitled if totally unemployed and eligible in  
29 any one week is payable; provided, that nothing contained in this paragraph shall permit any  
30 individual to whom remuneration is payable for any work performed in any week in an amount  
31 equal to, or greater than, his or her weekly benefit rate to receive benefits under this subdivision  
32 for that week.

33 (18) "Reserve fund" means the temporary disability insurance reserve fund established by  
34 § 28-39-7;

1 (19) "Services" means all endeavors undertaken by an individual that are paid for by  
2 another or with respect to which the individual performing the services expects to receive wages or  
3 profits;

4 (20) "Sickness". An individual shall be deemed to be sick in any week in which, because  
5 of his or her physical or mental condition, including pregnancy, he or she is unemployed and unable  
6 to perform his or her regular or customary work or services;

7 (21)(i) "Taxes" means the money payments required by chapters 39 ~~–~~ [through](#) 41 of this  
8 title, to be made to the temporary disability insurance fund or to the temporary disability insurance  
9 reserve fund.

10 (ii) Wherever and whenever in chapters 39 ~~–~~ [through](#) 41 of this title, the words  
11 "contribution" and/or "contributions" appear, those words shall be construed to mean the "taxes,"  
12 as defined in this subdivision, which are the money payments required by those chapters to be made  
13 to the temporary disability insurance fund or to the temporary disability insurance reserve fund;

14 (22) "Wages" has the same definition as contained in chapter 42 of this title; provided, that  
15 no individual shall be denied benefits under chapters 39 ~~–~~ [through](#) 41 of this title because his or  
16 her employer continues to pay to that individual his or her regular wages, or parts of them, while  
17 he or she is unemployed due to sickness and unable to perform his or her regular or customary work  
18 or services. The amount of any payments, whether or not under a plan or system, made to or on  
19 behalf of an employee by his or her employer after the expiration of six (6) calendar months  
20 following the last calendar month in which the employee performed actual bona fide personal  
21 services for his or her employer, shall not be deemed to be wages either for the purpose of paying  
22 contributions thereon under chapter 40 of this title, or for the purpose of being used as a basis for  
23 paying benefits under chapter 41 of this title; and

24 (23) "Week" has the same definition as contained in chapter 42 of this title.

25 SECTION 2. Section 28-40-1 of the General Laws in Chapter 28-40 entitled "Temporary  
26 Disability Insurance - Contributions" is hereby amended to read as follows:

27 **28-40-1. Amount of employee contributions -- Wages on which based.**

28 (a)(1) [For each calendar year prior to 2021, the](#) ~~The~~ taxable wage base under this chapter  
29 ~~for each calendar year~~ shall be equal to the greater of thirty-eight thousand dollars (\$38,000) or the  
30 annual earnings needed by an individual to qualify for the maximum weekly benefit amount and  
31 the maximum duration under chapters 39 ~~–~~ [through](#) 41 of this title. That taxable wage base shall  
32 be computed as follows: Every September 30, the maximum weekly benefit amount in effect as of  
33 that date shall be multiplied by thirty (30) and the resultant product shall be divided by thirty-six  
34 hundredths (.36). If the result thus obtained is not an even multiple of one hundred dollars (\$100),

1 it shall be rounded upward to the next higher even multiple of one hundred dollars (\$100). That  
2 taxable wage base shall be effective for the calendar year beginning on the next January 1.

3 (2) For calendar year 2021 and subsequent years, the taxable wage base shall be equal to  
4 the greater of two hundred fifty thousand dollars (\$250,000) or the annual earnings needed by an  
5 individual to qualify for the maximum weekly benefit amount and the maximum duration under  
6 chapters 39 through 41 of this title. That taxable wage base shall be computed as follows: Every  
7 September 30, the maximum weekly benefit amount in effect as of that date shall be multiplied by  
8 thirty (30) and the resultant product shall be divided by thirty-six hundredths (.36). If the result thus  
9 obtained is not an even multiple of one hundred dollars (\$100), it shall be rounded upward to the  
10 next higher even multiple of one hundred dollars (\$100). That taxable wage base shall be effective  
11 for the calendar year beginning on the next January 1.

12 (b) Each employee shall contribute with respect to employment after the date upon which  
13 the employer becomes subject to chapters 39 ~~—~~ through 41 of this title, an amount equal to the fund  
14 cost rate times the wages paid by the employer to the employee up to the taxable wage base as  
15 defined and computed in subsection (a) of this section. The employee contribution rate for the  
16 following calendar year shall be determined by computing the fund cost rate on or before November  
17 15 of each year as follows:

18 (1) The total amount of disbursements made from the fund for the twelve (12) month period  
19 ending on the immediately preceding September 30 shall be divided by the total taxable wages paid  
20 by employers during the twelve (12) month period ending on the immediately preceding June 30.  
21 The ratio thus obtained shall be multiplied by one hundred (100) and the resultant product if not an  
22 exact multiple of one-tenth of one percent (0.1%) shall be rounded down to the next lowest multiple  
23 of one-tenth of one percent (0.1%);

24 (2) If the fund balance as of the preceding September 30 is less than the total disbursements  
25 from the fund for the six (6) month period ending on that September 30, that difference shall be  
26 added to the total disbursements for the twelve (12) month period ending September 30 for the  
27 purpose of computing the fund cost rate, and if the resulting fund cost rate is not an exact multiple  
28 of one-tenth of one percent (0.1%) it shall be rounded to the nearest multiple of one-tenth of one  
29 percent (0.1%).

30 SECTION 3. Sections 28-41-5, 28-41-34 and 28-41-35 of the General Laws in Chapter 28-  
31 41 entitled "Temporary Disability Insurance - Benefits" are hereby amended to read as follows:

32 **28-41-5. Weekly benefit rate -- Dependents' allowances.**

33 (a)(1) Benefit rate. (i) The benefit rate payable under this chapter to any eligible individual  
34 with respect to any week of his or her unemployment due to ~~sickness~~ reasons under this chapter,

1 when that week occurs within a benefit year, shall be ~~;~~ computed as follows: For ~~for~~ benefit years  
2 beginning on or after October 7, 1990, four and sixty-two hundredths percent (4.62%) of the wages  
3 paid to the individual in that calendar quarter of the base period in which the individual's wages  
4 were highest; provided, however, that the benefit rate shall not exceed eighty-five percent (85%)  
5 of the average weekly wage paid to individuals covered by chapters 42 ~~–~~ through 44 of this title  
6 for the preceding calendar year ending December 31.

7 (ii) For claimants whose high quarter average hourly wage is less than or equal to the  
8 minimum wage, the benefit rate payable under this chapter to any eligible individual with respect  
9 to any week of their unemployment due to reasons allowed under this chapter, when that week  
10 occurs within the benefit year, shall be, for benefit years beginning on or after January 1, 2021,  
11 ninety percent (90%) of that individual's average weekly wage.

12 (iii) For claimants whose high quarter average hourly wage is less than or equal to two (2)  
13 times the minimum wage, the benefit rate payable under this chapter to any eligible individual with  
14 respect to any week of their unemployment due to reasons allowed under this chapter, when that  
15 week occurs within the benefit year, shall be, for benefit years beginning on or after January 1,  
16 2021, seventy-five percent (75%) of their average weekly wage.

17 (iv) If the maximum weekly benefit rate is not an exact multiple of one dollar (\$1.00) then  
18 the rate shall be raised to the next higher multiple of one dollar (\$1.00). Those weekly benefit rates  
19 shall be effective throughout the benefit years beginning on or after July 1 of the year prior to July  
20 of the succeeding calendar year.

21 (2) The benefit rate of any individual, if not an exact multiple of one dollar (\$1.00), shall  
22 be raised to the next higher multiple of one dollar (\$1.00).

23 (b) Dependents' allowances. An individual to whom benefits for unemployment due to  
24 ~~sickness~~ reasons allowed under this chapter are payable ~~under this chapter~~ with respect to any week,  
25 shall, in addition to those benefits, be paid with respect to each week a dependent's allowance of  
26 ten dollars (\$10.00) or seven percent (7%), of the individual's benefit rate, payable under subsection  
27 (a) of this section, whichever is greater for each of that individual's children, including adopted and  
28 stepchildren or that individual's court appointed wards who, at the beginning of the individual's  
29 benefit year, is under eighteen (18) years of age and who is at that time in fact dependent on that  
30 individual. A dependent's allowance shall also be paid to that individual for any child, including an  
31 adopted child or a stepchild or that individual's court appointed ward, eighteen (18) years of age or  
32 over, incapable of earning any wages because of mental or physical incapacity, and who is  
33 dependent on that individual in fact at the beginning of the individual's benefit year, including  
34 individuals who have been appointed the legal guardian of that child by the appropriate court.

1 However, in no instance shall the number of dependents for which an individual may receive  
2 dependents' allowances exceed five (5) in total and in no instance shall the individual's weekly  
3 benefit amount including both the benefit rate and dependent's allowance exceed that individual's  
4 average weekly wage in the base period. The weekly total of dependents' allowances payable to  
5 any individual, if not an exact multiple of one dollar (\$1.00), shall be rounded to the next lower  
6 multiple of one dollar (\$1.00). The number of an individual's dependents, and the fact of their  
7 dependency, shall be determined as of the beginning of that individual's benefit year; provided, that  
8 only one individual shall be entitled to a dependent's allowance for the same dependent with respect  
9 to any week. Each individual who claims a dependent's allowance shall establish his or her claim  
10 to it to the satisfaction of the director under procedures established by the director.

11 (c) Any individual's benefit rate and/or dependents' allowance in effect for a benefit year  
12 shall continue in effect until the end of that benefit year.

13 (d) Partial unemployment due to ~~sickness~~ reasons allowed under this chapter. For weeks  
14 beginning on or after January 1, 2006, an individual partially unemployed due to ~~sickness~~ reasons  
15 allowed under this chapter and otherwise eligible in any week shall be paid sufficient benefits with  
16 respect to that week, so that his or her wages, rounded to the next higher multiple of one dollar  
17 (\$1.00), and his or her benefits combined will equal in amount the weekly benefit rate to which he  
18 or she would be entitled if totally unemployed due to ~~sickness~~ reasons allowed under this chapter  
19 in that week; provided that an individual must have been totally unemployed due to ~~sickness~~  
20 reasons allowed under this chapter for at least seven (7) consecutive days prior to claiming partial  
21 benefits under this provision; provided, that this provision shall not apply if the individual is entitled  
22 to lag day benefits pursuant to § 28-41-9; provided, further, that nothing contained herein shall  
23 permit any individual to whom remuneration is payable for any work performed in any week in an  
24 amount equal to or greater than his or her weekly benefit rate to receive benefits or waiting period  
25 credit for that week.

26 **28-41-34. Temporary caregiver insurance.**

27 The purpose of this chapter is to establish, within the state temporary disability insurance  
28 program, a temporary caregiver insurance program to provide wage replacement benefits in  
29 accordance with the provisions of this chapter, to workers who take time off work to care for a  
30 seriously ill child, spouse, domestic partner, sibling, parent, parent-in-law, care recipient,  
31 grandparent, grandchild, or to bond with a new child.

32 Definitions as used in this chapter:

33 (1) "Child" means a biological, adopted, or foster son or daughter, a stepson or  
34 stepdaughter, a legal ward, a son or daughter of a domestic partner, or a son or daughter of an

1 employee who stands in loco parentis to that child.

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

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

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

7 (5) "Parent" means a biological, foster, or adoptive parent, a stepparent, a legal guardian,  
8 or other person who stands in loco parentis to the employee or the employee's spouse or domestic  
9 partner when he/she was a child.

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

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

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

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

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

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

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

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

25 (14) "Sibling" means a brother or sister, whether related through half blood, whole blood  
26 or adoption, a foster sibling, or a stepsibling.

27 (15) "Grandchild" means the child of the employee's child.

28 (16) "Care recipient" means a person for whom the employee is responsible for providing  
29 or arranging health- or safety-related care, including, but not limited to, helping the person obtain  
30 diagnostic, preventive, routine, or therapeutic health treatment.

31 **28-41-35. Benefits.**

32 (a) Subject to the conditions set forth in this chapter, an employee shall be eligible for  
33 temporary caregiver benefits for any week in which he or she is unable to perform his or her regular  
34 and customary work because he or she is:

1 (1) Bonding with a newborn child or a child newly placed for adoption or foster care with  
2 the employee or domestic partner in accordance with the provisions of subdivision 28-41-36(c)(1);  
3 or

4 (2) Caring for a child, [grandchild](#), a parent, parent-in-law, [care recipient](#), grandparent,  
5 [sibling](#), spouse, or domestic partner, who has a serious health condition, subject to a waiting period  
6 in accordance with the provisions of § 28-41-12. Employees may use accrued sick time during  
7 eligibility waiting period in accordance with the policy of the individual's employer.

8 (b) Temporary caregiver benefits shall be available only to the employee exercising his or  
9 her right to leave while covered by the temporary caregiver insurance program. An employee shall  
10 file a written intent with their employer, in accordance with rules and regulations promulgated by  
11 the department, with a minimum of thirty (30) days notice prior to commencement of the family  
12 leave. Failure by the employee to provide the written intent may result in delay or reduction in the  
13 claimant's benefits, except in the event the time of the leave is unforeseeable or the time of the leave  
14 changes for unforeseeable circumstances.

15 (c) Employees cannot file for both temporary caregiver benefits and temporary disability  
16 benefits for the same purpose, concurrently, in accordance with all provisions of this act and  
17 chapters 39– [through](#) 41.

18 (d) Temporary caregiver benefits may be available to any individual exercising his or her  
19 right to leave while covered by the temporary caregiver insurance program, commencing on or  
20 after January 1, 2014, which shall not exceed the individual's maximum benefits in accordance with  
21 chapters 39 – [through](#) 41. The benefits for the temporary caregiver program shall be payable with  
22 respect to the first day of leave taken ~~after the waiting period~~ and each subsequent day of leave  
23 during that period of family temporary disability leave. Benefits shall be in accordance with the  
24 following:

25 (1) Beginning January 1, 2014 temporary caregiver benefits shall be limited to a maximum  
26 of four (4) weeks in a benefit year;

27 [\(2\) Beginning January 1, 2020, temporary caregiver benefits shall be limited to a maximum](#)  
28 [of twelve \(12\) weeks in a benefit year.](#)

29 (e) In addition, no individual shall be paid temporary caregiver benefits and temporary  
30 disability benefits which together exceed ~~thirty (30) times his or her weekly benefit rate in any~~  
31 ~~benefit year~~ [the total amount of benefits payable in accordance with the provisions outlined in §](#)  
32 [28-41-7.](#)

33 (f) Any employee who exercises his or her right to leave covered by temporary caregiver  
34 insurance under this chapter shall, upon the expiration of that leave, be entitled to be restored by

1 the employer to the position held by the employee when the leave commenced, or to a position with  
2 equivalent seniority, status, employment benefits, pay, and other terms and conditions of  
3 employment including fringe benefits and service credits that the employee had been entitled to at  
4 the commencement of leave.

5 (1) Any employee aggrieved by a violation of this subsection shall be entitled to file a  
6 complaint with the department of labor and training.

7 (2) The director shall have the same powers and duties as set forth in chapter 12 and chapter  
8 14 of title 28 to investigate, inspect, subpoena and enforce through administrative hearings,  
9 complaints that allege a violation of this subsection.

10 (g) During any caregiver leave taken pursuant to this chapter, the employer shall maintain  
11 any existing health benefits of the employee in force for the duration of the leave as if the employee  
12 had continued in employment continuously from the date he or she commenced the leave until the  
13 date the caregiver benefits terminate; provided, however, that the employee shall continue to pay  
14 any employee shares of the cost of health benefits as required prior to the commencement of the  
15 caregiver benefits.

16 (h) No individual shall be entitled to ~~waiting period credit or~~ temporary caregiver benefits  
17 under this section for any week beginning prior to January 1, 2014. An employer may require an  
18 employee who is entitled to leave under the federal Family and Medical Leave Act, PL 103-3 and/or  
19 the Rhode Island Parental and Family Medical Leave Act, 28-41 et seq., who exercises his or her  
20 right to benefits under the temporary caregiver insurance program under this chapter, to take any  
21 temporary caregiver benefits received, concurrently, with any leave taken pursuant to the federal  
22 Family and Medical Leave Act and/or the Rhode Island Parental and Family Medical Leave Act.

23 (i) Temporary caregiver benefits shall be in accordance with federal Family and Medical  
24 Leave Act (FMLA) P.L. 103-3 and Rhode Island Family Parental and Family Leave Act in  
25 accordance with § 28-48-1, et seq. An employer may require an employee who is entitled to leave  
26 under the federal Family and Medical Leave Act, PL 103-3 and/or the Rhode Island Parental and  
27 Family Medical Leave Act, 28-41 et seq., who exercises his or her right to benefits under the  
28 temporary caregiver insurance program under this chapter, to take any temporary caregiver benefits  
29 received, concurrently, with any leave taken pursuant to the federal Family and Medical Leave Act  
30 and/or the Rhode Island Parental and Family Medical Leave Act.

31 SECTION 4. Section 44-30-2.6 of the General Laws in Chapter 44-30 entitled "Personal  
32 Income Tax" is hereby amended to read as follows:

33 **44-30-2.6. Rhode Island taxable income -- Rate of tax.**

34 (a) "Rhode Island taxable income" means federal taxable income as determined under the

1 Internal Revenue Code, 26 U.S.C. § 1 et seq., not including the increase in the basic, standard-  
2 deduction amount for married couples filing joint returns as provided in the Jobs and Growth Tax  
3 Relief Reconciliation Act of 2003 and the Economic Growth and Tax Relief Reconciliation Act of  
4 2001 (EGTRRA), and as modified by the modifications in § 44-30-12.

5 (b) Notwithstanding the provisions of §§ 44-30-1 and 44-30-2, for tax years beginning on  
6 or after January 1, 2001, a Rhode Island personal income tax is imposed upon the Rhode Island  
7 taxable income of residents and nonresidents, including estates and trusts, at the rate of twenty-five  
8 and one-half percent (25.5%) for tax year 2001, and twenty-five percent (25%) for tax year 2002  
9 and thereafter of the federal income tax rates, including capital gains rates and any other special  
10 rates for other types of income, except as provided in § 44-30-2.7, which were in effect immediately  
11 prior to enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA);  
12 provided, rate schedules shall be adjusted for inflation by the tax administrator beginning in taxable  
13 year 2002 and thereafter in the manner prescribed for adjustment by the commissioner of Internal  
14 Revenue in 26 U.S.C. § 1(f). However, for tax years beginning on or after January 1, 2006, a  
15 taxpayer may elect to use the alternative flat tax rate provided in § 44-30-2.10 to calculate his or  
16 her personal income tax liability.

17 (c) For tax years beginning on or after January 1, 2001, if a taxpayer has an alternative  
18 minimum tax for federal tax purposes, the taxpayer shall determine if he or she has a Rhode Island  
19 alternative minimum tax. The Rhode Island alternative minimum tax shall be computed by  
20 multiplying the federal tentative minimum tax without allowing for the increased exemptions under  
21 the Jobs and Growth Tax Relief Reconciliation Act of 2003 (as redetermined on federal form 6251  
22 Alternative Minimum Tax-Individuals) by twenty-five and one-half percent (25.5%) for tax year  
23 2001, and twenty-five percent (25%) for tax year 2002 and thereafter, and comparing the product  
24 to the Rhode Island tax as computed otherwise under this section. The excess shall be the taxpayer's  
25 Rhode Island alternative minimum tax.

26 (1) For tax years beginning on or after January 1, 2005, and thereafter, the exemption  
27 amount for alternative minimum tax, for Rhode Island purposes, shall be adjusted for inflation by  
28 the tax administrator in the manner prescribed for adjustment by the commissioner of Internal  
29 Revenue in 26 U.S.C. § 1(f).

30 (2) For the period January 1, 2007, through December 31, 2007, and thereafter, Rhode  
31 Island taxable income shall be determined by deducting from federal adjusted gross income as  
32 defined in 26 U.S.C. § 62 as modified by the modifications in § 44-30-12 the Rhode Island  
33 itemized-deduction amount and the Rhode Island exemption amount as determined in this section.

34 (A) Tax imposed.

1 (1) There is hereby imposed on the taxable income of married individuals filing joint  
2 returns and surviving spouses a tax determined in accordance with the following table:

3 If taxable income is:	The tax is:
4 Not over \$53,150	3.75% of taxable income
5 Over \$53,150 but not over \$128,500	\$1,993.13 plus 7.00% of the excess over \$53,150
6 Over \$128,500 but not over \$195,850	\$7,267.63 plus 7.75% of the excess over \$128,500
7 Over \$195,850 but not over \$349,700	\$12,487.25 plus 9.00% of the excess over \$195,850
8 Over \$349,700	\$26,333.75 plus 9.90% of the excess over \$349,700

9 (2) There is hereby imposed on the taxable income of every head of household a tax  
10 determined in accordance with the following table:

11 If taxable income is:	The tax is:
12 Not over \$42,650	3.75% of taxable income
13 Over \$42,650 but not over \$110,100	\$1,599.38 plus 7.00% of the excess over \$42,650
14 Over \$110,100 but not over \$178,350	\$6,320.88 plus 7.75% of the excess over \$110,100
15 Over \$178,350 but not over \$349,700	\$11,610.25 plus 9.00% of the excess over \$178,350
16 Over \$349,700	\$27,031.75 plus 9.90% of the excess over \$349,700

17 (3) There is hereby imposed on the taxable income of unmarried individuals (other than  
18 surviving spouses and heads of households) a tax determined in accordance with the following  
19 table:

20 If taxable income is:	The tax is:
21 Not over \$31,850	3.75% of taxable income
22 Over \$31,850 but not over \$77,100	\$1,194.38 plus 7.00% of the excess over \$31,850
23 Over \$77,100 but not over \$160,850	\$4,361.88 plus 7.75% of the excess over \$77,100
24 Over \$160,850 but not over \$349,700	\$10,852.50 plus 9.00% of the excess over \$160,850
25 Over \$349,700	\$27,849.00 plus 9.90% of the excess over \$349,700

26 (4) There is hereby imposed on the taxable income of married individuals filing separate  
27 returns and bankruptcy estates a tax determined in accordance with the following table:

28 If taxable income is:	The tax is:
29 Not over \$26,575	3.75% of taxable income
30 Over \$26,575 but not over \$64,250	\$996.56 plus 7.00% of the excess over \$26,575
31 Over \$64,250 but not over \$97,925	\$3,633.81 plus 7.75% of the excess over \$64,250
32 Over \$97,925 but not over \$174,850	\$6,243.63 plus 9.00% of the excess over \$97,925
33 Over \$174,850	\$13,166.88 plus 9.90% of the excess over \$174,850

34 (5) There is hereby imposed a taxable income of an estate or trust a tax determined in

1 accordance with the following table:

2 If taxable income is:	The tax is:
3 Not over \$2,150	3.75% of taxable income
4 Over \$2,150 but not over \$5,000	\$80.63 plus 7.00% of the excess over \$2,150
5 Over \$5,000 but not over \$7,650	\$280.13 plus 7.75% of the excess over \$5,000
6 Over \$7,650 but not over \$10,450	\$485.50 plus 9.00% of the excess over \$7,650
7 Over \$10,450	\$737.50 plus 9.90% of the excess over \$10,450

8 (6) Adjustments for inflation.

9 The dollars amount contained in paragraph (A) shall be increased by an amount equal to:

- 10 (a) Such dollar amount contained in paragraph (A) in the year 1993, multiplied by;
- 11 (b) The cost-of-living adjustment determined under section (J) with a base year of 1993;
- 12 (c) The cost-of-living adjustment referred to in subparagraphs (a) and (b) used in making
- 13 adjustments to the nine percent (9%) and nine and nine tenths percent (9.9%) dollar amounts shall
- 14 be determined under section (J) by substituting "1994" for "1993."

15 (B) Maximum capital gains rates.

16 (1) In general.

17 If a taxpayer has a net capital gain for tax years ending prior to January 1, 2010, the tax

18 imposed by this section for such taxable year shall not exceed the sum of:

19 (a) 2.5 % of the net capital gain as reported for federal income tax purposes under section

20 26 U.S.C. § 1(h)(1)(a) and 26 U.S.C. § 1(h)(1)(b).

21 (b) 5% of the net capital gain as reported for federal income tax purposes under 26 U.S.C.

22 § 1(h)(1)(c).

23 (c) 6.25% of the net capital gain as reported for federal income tax purposes under 26

24 U.S.C. § 1(h)(1)(d).

25 (d) 7% of the net capital gain as reported for federal income tax purposes under 26 U.S.C.

26 § 1(h)(1)(e).

27 (2) For tax years beginning on or after January 1, 2010, the tax imposed on net capital gain

28 shall be determined under subdivision 44-30-2.6(c)(2)(A).

29 (C) Itemized deductions.

30 (1) In general.

31 For the purposes of section (2), "itemized deductions" means the amount of federal

32 itemized deductions as modified by the modifications in § 44-30-12.

33 (2) Individuals who do not itemize their deductions.

34 In the case of an individual who does not elect to itemize his deductions for the taxable

1 year, they may elect to take a standard deduction.

2 (3) Basic standard deduction.

3 The Rhode Island standard deduction shall be allowed in accordance with the following  
4 table:

5 Filing status	Amount
6 Single	\$5,350
7 Married filing jointly or qualifying widow(er)	\$8,900
8 Married filing separately	\$4,450
9 Head of Household	\$7,850

10 (4) Additional standard deduction for the aged and blind.

11 An additional standard deduction shall be allowed for individuals age sixty-five (65) or  
12 older or blind in the amount of \$1,300 for individuals who are not married and \$1,050 for  
13 individuals who are married.

14 (5) Limitation on basic standard deduction in the case of certain dependents.

15 In the case of an individual to whom a deduction under section (E) is allowable to another  
16 taxpayer, the basic standard deduction applicable to such individual shall not exceed the greater of:

- 17 (a) \$850;  
18 (b) The sum of \$300 and such individual's earned income;  
19 (c) Certain individuals not eligible for standard deduction.

20 In the case of:

- 21 (a) A married individual filing a separate return where either spouse itemizes deductions;  
22 (b) Nonresident alien individual;  
23 (c) An estate or trust;

24 The standard deduction shall be zero.

25 (7) Adjustments for inflation.

26 Each dollar amount contained in paragraphs (3), (4) and (5) shall be increased by an amount  
27 equal to:

- 28 (a) Such dollar amount contained in paragraphs (3), (4) and (5) in the year 1988, multiplied  
29 by  
30 (b) The cost-of-living adjustment determined under section (J) with a base year of 1988.  
31 (D) Overall limitation on itemized deductions.

32 (1) General rule.

33 In the case of an individual whose adjusted gross income as modified by § 44-30-12  
34 exceeds the applicable amount, the amount of the itemized deductions otherwise allowable for the

1 taxable year shall be reduced by the lesser of:

2 (a) Three percent (3%) of the excess of adjusted gross income as modified by § 44-30-12  
3 over the applicable amount; or

4 (b) Eighty percent (80%) of the amount of the itemized deductions otherwise allowable for  
5 such taxable year.

6 (2) Applicable amount.

7 (a) In general.

8 For purposes of this section, the term "applicable amount" means \$156,400 (\$78,200 in the  
9 case of a separate return by a married individual)

10 (b) Adjustments for inflation.

11 Each dollar amount contained in paragraph (a) shall be increased by an amount equal to:

12 (i) Such dollar amount contained in paragraph (a) in the year 1991, multiplied by

13 (ii) The cost-of-living adjustment determined under section (J) with a base year of 1991.

14 (3) Phase-out of Limitation.

15 (a) In general.

16 In the case of taxable year beginning after December 31, 2005, and before January 1, 2010,  
17 the reduction under section (1) shall be equal to the applicable fraction of the amount which would  
18 be the amount of such reduction.

19 (b) Applicable fraction.

20 For purposes of paragraph (a), the applicable fraction shall be determined in accordance  
21 with the following table:

22 For taxable years beginning in calendar year	The applicable fraction is
23 2006 and 2007	2/3
24 2008 and 2009	1/3

25 (E) Exemption amount.

26 (1) In general.

27 Except as otherwise provided in this subsection, the term "exemption amount" means  
28 \$3,400.

29 (2) Exemption amount disallowed in case of certain dependents.

30 In the case of an individual with respect to whom a deduction under this section is allowable  
31 to another taxpayer for the same taxable year, the exemption amount applicable to such individual  
32 for such individual's taxable year shall be zero.

33 (3) Adjustments for inflation.

34 The dollar amount contained in paragraph (1) shall be increased by an amount equal to:



1                                    2006 and 2007                                    2/3  
2                                    2008 and 2009                                    1/3

3                    (F) Alternative minimum tax.

4                    (1) General rule. There is hereby imposed (in addition to any other tax imposed by this  
5 subtitle) a tax equal to the excess (if any) of:

6                    (a) The tentative minimum tax for the taxable year, over

7                    (b) The regular tax for the taxable year.

8                    (2) The tentative minimum tax for the taxable year is the sum of:

9                    (a) 6.5 percent of so much of the taxable excess as does not exceed \$175,000, plus

10                    (b) 7.0 percent of so much of the taxable excess above \$175,000.

11                    (3) The amount determined under the preceding sentence shall be reduced by the alternative  
12 minimum tax foreign tax credit for the taxable year.

13                    (4) Taxable excess. For the purposes of this subsection the term "taxable excess" means so  
14 much of the federal alternative minimum taxable income as modified by the modifications in § 44-  
15 30-12 as exceeds the exemption amount.

16                    (5) In the case of a married individual filing a separate return, subparagraph (2) shall be  
17 applied by substituting "\$87,500" for \$175,000 each place it appears.

18                    (6) Exemption amount.

19                    For purposes of this section "exemption amount" means:

20                    Filing status	Amount
21                    Single	\$39,150
22                    Married filing jointly or qualifying widow(er)	\$53,700
23                    Married filing separately	\$26,850
24                    Head of Household	\$39,150
25                    Estate or trust	\$24,650

26                    (7) Treatment of unearned income of minor children

27                    (a) In general.

28                    In the case of a minor child, the exemption amount for purposes of section (6) shall not  
29 exceed the sum of:

30                    (i) Such child's earned income, plus

31                    (ii) \$6,000.

32                    (8) Adjustments for inflation.

33                    The dollar amount contained in paragraphs (6) and (7) shall be increased by an amount  
34 equal to:

- 1 (a) Such dollar amount contained in paragraphs (6) and (7) in the year 2004, multiplied by
- 2 (b) The cost-of-living adjustment determined under section (J) with a base year of 2004.
- 3 (9) Phase-out.

4 (a) In general.

5 The exemption amount of any taxpayer shall be reduced (but not below zero) by an amount  
6 equal to twenty-five percent (25%) of the amount by which alternative minimum taxable income  
7 of the taxpayer exceeds the threshold amount.

8 (b) Threshold amount.

9 For purposes of this paragraph, the term "threshold amount" shall be determined with the  
10 following table:

11 Filing status	Amount
12 Single	\$123,250
13 Married filing jointly or qualifying widow(er)	\$164,350
14 Married filing separately	\$82,175
15 Head of Household	\$123,250
16 Estate or Trust	\$82,150

17 (c) Adjustments for inflation

18 Each dollar amount contained in paragraph (9) shall be increased by an amount equal to:

- 19 (i) Such dollar amount contained in paragraph (9) in the year 2004, multiplied by
- 20 (ii) The cost-of-living adjustment determined under section (J) with a base year of 2004.
- 21 (G) Other Rhode Island taxes.

22 (1) General rule. There is hereby imposed (in addition to any other tax imposed by this  
23 subtitle) a tax equal to twenty-five percent (25%) of:

- 24 (a) The Federal income tax on lump-sum distributions.
- 25 (b) The Federal income tax on parents' election to report child's interest and dividends.
- 26 (c) The recapture of Federal tax credits that were previously claimed on Rhode Island  
27 return.

28 (H) Tax for children under 18 with investment income.

29 (1) General rule. There is hereby imposed a tax equal to twenty-five percent (25%) of:

- 30 (a) The Federal tax for children under the age of 18 with investment income.

31 (I) Averaging of farm income.

32 (1) General rule. At the election of an individual engaged in a farming business or fishing  
33 business, the tax imposed in section 2 shall be equal to twenty-five percent (25%) of:

- 34 (a) The Federal averaging of farm income as determined in IRC section 1301 [26 U.S.C. §

1 1301].

2 (J) Cost-of-living adjustment.

3 (1) In general.

4 The cost-of-living adjustment for any calendar year is the percentage (if any) by which:

5 (a) The CPI for the preceding calendar year exceeds

6 (b) The CPI for the base year.

7 (2) CPI for any calendar year.

8 For purposes of paragraph (1), the CPI for any calendar year is the average of the consumer  
9 price index as of the close of the twelve (12) month period ending on August 31 of such calendar  
10 year.

11 (3) Consumer price index.

12 For purposes of paragraph (2), the term "consumer price index" means the last consumer  
13 price index for all urban consumers published by the department of labor. For purposes of the  
14 preceding sentence, the revision of the consumer price index that is most consistent with the  
15 consumer price index for calendar year 1986 shall be used.

16 (4) Rounding.

17 (a) In general.

18 If any increase determined under paragraph (1) is not a multiple of \$50, such increase shall  
19 be rounded to the next lowest multiple of \$50.

20 (b) In the case of a married individual filing a separate return, subparagraph (a) shall be  
21 applied by substituting "\$25" for \$50 each place it appears.

22 (K) Credits against tax. For tax years beginning on or after January 1, 2001, a taxpayer  
23 entitled to any of the following federal credits enacted prior to January 1, 1996, shall be entitled to  
24 a credit against the Rhode Island tax imposed under this section:

25 (1) [Deleted by P.L. 2007, ch. 73, art. 7, § 5].

26 (2) Child and dependent care credit;

27 (3) General business credits;

28 (4) Credit for elderly or the disabled;

29 (5) Credit for prior year minimum tax;

30 (6) Mortgage interest credit;

31 (7) Empowerment zone employment credit;

32 (8) Qualified electric vehicle credit.

33 (L) Credit against tax for adoption. For tax years beginning on or after January 1, 2006, a  
34 taxpayer entitled to the federal adoption credit shall be entitled to a credit against the Rhode Island

1 tax imposed under this section if the adopted child was under the care, custody, or supervision of  
2 the Rhode Island department of children, youth and families prior to the adoption.

3 (M) The credit shall be twenty-five percent (25%) of the aforementioned federal credits  
4 provided there shall be no deduction based on any federal credits enacted after January 1, 1996,  
5 including the rate reduction credit provided by the federal Economic Growth and Tax  
6 Reconciliation Act of 2001 (EGTRRA). In no event shall the tax imposed under this section be  
7 reduced to less than zero. A taxpayer required to recapture any of the above credits for federal tax  
8 purposes shall determine the Rhode Island amount to be recaptured in the same manner as  
9 prescribed in this subsection.

10 (N) Rhode Island earned-income credit .

11 (1) In general.

12 For tax years beginning before January 1, 2015, a taxpayer entitled to a federal earned-  
13 income credit shall be allowed a Rhode Island earned-income credit equal to twenty-five percent  
14 (25%) of the federal earned-income credit. Such credit shall not exceed the amount of the Rhode  
15 Island income tax.

16 For tax years beginning on or after January 1, 2015, and before January 1, 2016, a taxpayer  
17 entitled to a federal earned-income credit shall be allowed a Rhode Island earned-income credit  
18 equal to ten percent (10%) of the federal earned-income credit. Such credit shall not exceed the  
19 amount of the Rhode Island income tax.

20 For tax years beginning on or after January 1, 2016, a taxpayer entitled to a federal earned-  
21 income credit shall be allowed a Rhode Island earned-income credit equal to twelve and one-half  
22 percent (12.5%) of the federal earned-income credit. Such credit shall not exceed the amount of the  
23 Rhode Island income tax.

24 For tax years beginning on or after January 1, 2017, a taxpayer entitled to a federal earned-  
25 income credit shall be allowed a Rhode Island earned-income credit equal to fifteen percent (15%)  
26 of the federal earned-income credit. Such credit shall not exceed the amount of the Rhode Island  
27 income tax.

28 (2) Refundable portion.

29 In the event the Rhode Island earned-income credit allowed under paragraph (N)(1) of this  
30 section exceeds the amount of Rhode Island income tax, a refundable earned-income credit shall  
31 be allowed as follows.

32 (i) For tax years beginning before January 1, 2015, for purposes of paragraph (2) refundable  
33 earned-income credit means fifteen percent (15%) of the amount by which the Rhode Island earned-  
34 income credit exceeds the Rhode Island income tax.

1 (ii) For tax years beginning on or after January 1, 2015, for purposes of paragraph (2)  
2 refundable earned-income credit means one hundred percent (100%) of the amount by which the  
3 Rhode Island earned-income credit exceeds the Rhode Island income tax.

4 (O) Rhode Island paid leave credit:

5 (1) For tax years beginning on or after January 1, 2021, a taxpayer who paid into the  
6 temporary disability insurance and temporary caregiver insurance fund ("TDI/TCI") as defined in  
7 § 28-39-2, but who did not receive TDI/TCI benefits over the calendar year and whose annual  
8 earnings were less than twenty-five (25) times the hourly minimum wage, shall be entitled to a  
9 credit in the amount the taxpayer paid into the program or one hundred fifty dollars (\$150),  
10 whichever is higher.

11 ~~(P)~~(P) The tax administrator shall recalculate and submit necessary revisions to paragraphs  
12 (A) through (J) to the general assembly no later than February 1, 2010, and every three (3) years  
13 thereafter for inclusion in the statute.

14 (3) For the period January 1, 2011, through December 31, 2011, and thereafter, "Rhode  
15 Island taxable income" means federal adjusted gross income as determined under the Internal  
16 Revenue Code, 26 U.S.C. § 1 et seq., and as modified for Rhode Island purposes pursuant to § 44-  
17 30-12 less the amount of Rhode Island Basic Standard Deduction allowed pursuant to subparagraph  
18 44-30-2.6(c)(3)(B), and less the amount of personal exemption allowed pursuant to subparagraph  
19 44-30-2.6(c)(3)(C).

20 (A) Tax imposed.

21 (I) There is hereby imposed on the taxable income of married individuals filing joint  
22 returns, qualifying widow(er), every head of household, unmarried individuals, married individuals  
23 filing separate returns and bankruptcy estates, a tax determined in accordance with the following  
24 table:

RI Taxable Income		RI Income Tax	
Over	But not over	Pay +% on Excess	on the amount over
\$0 -	\$ 55,000	\$ 0 + 3.75%	\$0
55,000 -	125,000	2,063 + 4.75%	55,000
125,000 -		5,388 + 5.99%	125,000

30 (II) There is hereby imposed on the taxable income of an estate or trust a tax determined in  
31 accordance with the following table:

RI Taxable Income		RI Income Tax	
Over	But not over	Pay + % on Excess	on the amount over
\$0 -	\$ 2,230	\$ 0 + 3.75%	\$0

1	2,230 -	7,022	84 + 4.75%	2,230
2	7,022 -		312 + 5.99%	7,022

3 (B) Deductions:

4 (I) Rhode Island Basic Standard Deduction.

5 Only the Rhode Island standard deduction shall be allowed in accordance with the  
6 following table:

7	Filing status:	Amount
8	Single	\$7,500
9	Married filing jointly or qualifying widow(er)	\$15,000
10	Married filing separately	\$7,500
11	Head of Household	\$11,250

12 (II) Nonresident alien individuals, estates and trusts are not eligible for standard  
13 deductions.

14 (III) In the case of any taxpayer whose adjusted gross income, as modified for Rhode Island  
15 purposes pursuant to § 44-30-12, for the taxable year exceeds one hundred seventy-five thousand  
16 dollars (\$175,000), the standard deduction amount shall be reduced by the applicable percentage.  
17 The term "applicable percentage" means twenty (20) percentage points for each five thousand  
18 dollars (\$5,000) (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable  
19 year exceeds one hundred seventy-five thousand dollars (\$175,000).

20 (C) Exemption Amount:

21 (I) The term "exemption amount" means three thousand five hundred dollars (\$3,500)  
22 multiplied by the number of exemptions allowed for the taxable year for federal income tax  
23 purposes. For tax years beginning on or after 2018, the term "exemption amount" means the same  
24 as it does in 26 U.S.C. § 151 and 26 U.S.C. § 152 just prior to the enactment of the Tax Cuts and  
25 Jobs Act (Pub. L. 115-97) on December 22, 2017.

26 (II) Exemption amount disallowed in case of certain dependents. In the case of an  
27 individual with respect to whom a deduction under this section is allowable to another taxpayer for  
28 the same taxable year, the exemption amount applicable to such individual for such individual's  
29 taxable year shall be zero.

30 (III) Identifying information required.

31 (1) Except as provided in § 44-30-2.6(c)(3)(C)(II) of this section, no exemption shall be  
32 allowed under this section with respect to any individual unless the Taxpayer Identification Number  
33 of such individual is included on the federal return claiming the exemption for the same tax filing  
34 period.

1 (2) Notwithstanding the provisions of § 44-30-2.6(c)(3)(C)(I) of this section, in the event  
2 that the Taxpayer Identification Number for each individual is not required to be included on the  
3 federal tax return for the purposes of claiming a personal exemption(s), then the Taxpayer  
4 Identification Number must be provided on the Rhode Island tax return for the purpose of claiming  
5 said exemption(s).

6 (D) In the case of any taxpayer whose adjusted gross income, as modified for Rhode Island  
7 purposes pursuant to § 44-30-12, for the taxable year exceeds one hundred seventy-five thousand  
8 dollars (\$175,000), the exemption amount shall be reduced by the applicable percentage. The term  
9 "applicable percentage" means twenty (20) percentage points for each five thousand dollars  
10 (\$5,000) (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year  
11 exceeds one hundred seventy-five thousand dollars (\$175,000).

12 (E) Adjustment for inflation. The dollar amount contained in subparagraphs 44-30-  
13 2.6(c)(3)(A), 44-30-2.6(c)(3)(B) and 44-30-2.6(c)(3)(C) shall be increased annually by an amount  
14 equal to:

15 (I) Such dollar amount contained in subparagraphs 44-30-2.6(c)(3)(A), 44-30-2.6(c)(3)(B)  
16 and 44-30-2.6(c)(3)(C) adjusted for inflation using a base tax year of 2000, multiplied by;

17 (II) The cost-of-living adjustment with a base year of 2000.

18 (III) For the purposes of this section, the cost-of-living adjustment for any calendar year is  
19 the percentage (if any) by which the consumer price index for the preceding calendar year exceeds  
20 the consumer price index for the base year. The consumer price index for any calendar year is the  
21 average of the consumer price index as of the close of the twelve-month (12) period ending on  
22 August 31, of such calendar year.

23 (IV) For the purpose of this section the term "consumer price index" means the last  
24 consumer price index for all urban consumers published by the department of labor. For the purpose  
25 of this section the revision of the consumer price index that is most consistent with the consumer  
26 price index for calendar year 1986 shall be used.

27 (V) If any increase determined under this section is not a multiple of fifty dollars (\$50.00),  
28 such increase shall be rounded to the next lower multiple of fifty dollars (\$50.00). In the case of a  
29 married individual filing separate return, if any increase determined under this section is not a  
30 multiple of twenty-five dollars (\$25.00), such increase shall be rounded to the next lower multiple  
31 of twenty-five dollars (\$25.00).

32 (F) Credits against tax.

33 (I) Notwithstanding any other provisions of Rhode Island Law, for tax years beginning on  
34 or after January 1, 2011, the only credits allowed against a tax imposed under this chapter shall be

1 as follows:

2 (a) Rhode Island earned-income credit: Credit shall be allowed for earned-income credit  
3 pursuant to subparagraph 44-30-2.6(c)(2)(N).

4 (b) Property Tax Relief Credit: Credit shall be allowed for property tax relief as provided  
5 in § 44-33-1 et seq.

6 (c) Lead Paint Credit: Credit shall be allowed for residential lead abatement income tax  
7 credit as provided in § 44-30.3-1 et seq.

8 (d) Credit for income taxes of other states. Credit shall be allowed for income tax paid to  
9 other states pursuant to § 44-30-74.

10 (e) Historic Structures Tax Credit: Credit shall be allowed for historic structures tax credit  
11 as provided in § 44-33.2-1 et seq.

12 (f) Motion Picture Productions Tax Credit: Credit shall be allowed for motion picture  
13 production tax credit as provided in § 44-31.2-1 et seq.

14 (g) Child and Dependent Care: Credit shall be allowed for twenty-five percent (25%) of  
15 the federal child and dependent care credit allowable for the taxable year for federal purposes;  
16 provided, however, such credit shall not exceed the Rhode Island tax liability.

17 (h) Tax credits for contributions to Scholarship Organizations: Credit shall be allowed for  
18 contributions to scholarship organizations as provided in chapter 62 of title 44.

19 (i) Credit for tax withheld. Wages upon which tax is required to be withheld shall be taxable  
20 as if no withholding were required, but any amount of Rhode Island personal income tax actually  
21 deducted and withheld in any calendar year shall be deemed to have been paid to the tax  
22 administrator on behalf of the person from whom withheld, and the person shall be credited with  
23 having paid that amount of tax for the taxable year beginning in that calendar year. For a taxable  
24 year of less than twelve (12) months, the credit shall be made under regulations of the tax  
25 administrator.

26 (j) Stay Invested in RI Wavemaker Fellowship: Credit shall be allowed for stay invested in  
27 RI wavemaker fellowship program as provided in § 42-64.26-1 et seq.

28 (k) Rebuild Rhode Island: Credit shall be allowed for rebuild RI tax credit as provided in  
29 § 42-64.20-1 et seq.

30 (l) Rhode Island Qualified Jobs Incentive Program: Credit shall be allowed for Rhode  
31 Island new qualified jobs incentive program credit as provided in § 44-48.3-1 et seq.

32 (m) Historic homeownership assistance act: Effective for tax year 2017 and thereafter,  
33 unused carryforward for such credit previously issued shall be allowed for the historic  
34 homeownership assistance act as provided in § 44-33.1-4. This allowance is for credits already

1 issued pursuant to § 44-33.1-4 and shall not be construed to authorize the issuance of new credits  
2 under the historic homeownership assistance act.

3 (2) Except as provided in section 1 above, no other state and federal tax credit shall be  
4 available to the taxpayers in computing tax liability under this chapter.

5 SECTION 5. This act shall take effect on January 1, 2021.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- TEMPORARY DISABILITY  
INSURANCE--GENERAL PROVISIONS

\*\*\*

1           This act would increase the taxable wage base on which employees make contributions to  
2 the temporary disability income (TDI) and the temporary caregiver insurance (TCI) funds; change  
3 the wage replacement formula to increase individual benefit rates for lower wage individuals;  
4 include sibling, grandchild and care recipient in the coverage for temporary caregiver benefits;  
5 increase the maximum temporary caregiver weeks; and institute fines and penalties for not  
6 reinstating an employee to work if they use the program.

7           It would also create a new tax credit for low wage taxpayers who pay into the program but  
8 are not income eligible to receive benefits.

9           This act would take effect on January 1, 2021.

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