

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

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

Introduced By: Representatives Messier, McNamara, Potter, Diaz, and Fellela

Date Introduced: February 15, 2023

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-57-3 of the General Laws in Chapter 28-57 entitled "Healthy and  
2 Safe Families and Workplaces Act" is hereby amended to read as follows:

3 **28-57-3. Definitions.**

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

5 (1) "Care recipient" means a person for whom the employee is responsible for providing  
6 or arranging health- or safety-related care, including, but not limited to, helping the person obtain  
7 diagnostic, preventive, routine, or therapeutic health treatment or ensuring the person is safe  
8 following domestic violence, sexual assault, or stalking.

9 (2) "CCAP family childcare provider" means a childcare worker as defined in § 40-6.6-  
10 2(2).

11 (3) "Child" means a person as defined in § 28-41-34(3).

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

13 (5) "Domestic partner" means a party to a civil union as defined in chapter 3.1 of title 15  
14 or a person who meets the requirements in §§ 36-12-1(3)(i) through (3)(v) has the same meaning  
15 as that term is defined in § 8-8.2-20.

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

18 (7) "Employee" means any person suffered or permitted to work by an employer, except

1 for those not considered employees as defined in § 28-12-2. Independent contractors,  
2 subcontractors, work study participants as described pursuant to 42 U.S.C. § 2753.23,  
3 ~~apprenticeships and interns as defined under FLSA section 3(g)~~ and any other individuals pursuant  
4 to the provisions of 29 U.S.C. Section 203 et seq. (Fair Labor Standards Act) shall not be considered  
5 to be employees for the purpose of this act.

6 (8) “Employer” means any individual or entity that includes any individual, partnership,  
7 association, corporation, business trust, or any person or group of persons acting directly or  
8 indirectly in the interest of an employer, in relation to an employee as defined in § 28-12-2, but  
9 does not include the federal government, and provided that in determining the number of employees  
10 performing work for an employer as defined in 29 C.F.R. § 791.2 of the federal Fair Labor  
11 Standards Act, 29 U.S.C. § 201 et seq., the total number of employees in that group shall be  
12 counted.

13 (9) “Family member” means a child, parent, spouse, mother-in-law, father-in-law,  
14 grandparents, grandchildren, or domestic partner, sibling, care recipient, or member of the  
15 employee’s household.

16 (10) “Healthcare professional” means any person licensed under federal or Rhode Island  
17 law to provide medical or emergency services, including, but not limited to: doctors, nurses, and  
18 emergency room personnel.

19 (11) “Paid sick leave time” or “paid sick and safe leave time” means time that is  
20 compensated at the same hourly rate and with the same benefits, including healthcare benefits, as  
21 the employee normally earns during hours worked and is provided by an employer to an employee  
22 for the purposes described in § 28-57-6, but in no case shall the hourly wage paid leave be less than  
23 that provided under § 28-12-3.

24 (12) “Parent” means a person as defined in § 28-41-34(9) or a person as defined in § 28-  
25 41-34(10).

26 (13) “Seasonal employee” means a person as defined in 26 C.F.R. § 54.4980H-1(a)(38).

27 (14) “Sexual assault” means a crime as defined in § 11-37-2, § 11-37-4 or § 11-37-6.

28 (15) “Sibling” means a brother or a sister, whether related through half blood, whole blood,  
29 or adoption, a foster sibling, or a step-sibling.

30 (16) “Spouse” means a person as defined in § 28-41-34(13).

31 (17) “Stalking” means a crime as described in §§ 11-59-2 and 11-52-4.2.

32 (18) “Temporary employee” means any person working for, or obtaining employment  
33 pursuant to an agreement with any employment agency, placement service, or training school or  
34 center.

1 (19) "Unpaid sick time" is time that is used for the purposes described in § 28-57-6.

2 (20) "Year" means a regular and consecutive twelve-month (12) period as determined by  
3 the employer; except that for the purposes of § 28-57-7, "year" means a calendar year.

4 SECTION 2. 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 -- HEALTHY AND SAFE FAMILIES  
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1           This act would amend the definition of employee to remove apprenticeships and interns  
2 and any other individuals pursuant to the provisions of the Fair Labor Standards Act (FLSA), 29  
3 U.S.C. Section 203 et seq.

4           This act would take effect upon passage.

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