

Rhode Island's Sick and Safe Leave



RI Department of Labor and Training
Workforce Regulation and Safety Division
Labor Standards

Notice of Employee Rights

As of July 1, 2018, most RI employees have the legal right to earn sick and safe leave from work per RI General Laws § 28-57.

What is sick and safe leave?

The **Healthy and Safe Families and Workplaces Act** gives Rhode Island employees the right to take time off from work to care for themselves when they are too sick to work, are injured or have a routine medical appointment. They may also use earned leave to deal with the impact of domestic violence, sexual assault or stalking. In addition, they may use earned leave to assist their child, spouse, domestic partner or other member of their household for the same purposes.

Who qualifies to earn leave?

Most part-time, full-time, seasonal, temporary or other employees who **work in Rhode Island more than in any other state**, with the following exceptions:

- Employees of local municipalities, state and federal governments and other public entities.
- Per diem nurses who:
 - work at health care facilities;
 - are under no obligation to work a regular schedule; and
 - receive higher pay than others who work a regular schedule while performing the same job.

Is it paid or unpaid?

Employers with 18 or more employees must provide paid sick and safe leave. Employers with 17 or fewer employees must provide earned sick and safe leave, but it does not need to be paid.

Can employers have different earned leave policies?

Yes, as long as the policy provides the same benefits and protections that the law requires **or better**.

How is leave earned?

Employees may earn sick/safe leave:

- based on employer's policy, **or**;
- under this act, they are entitled to earn at least one hour of sick/safe leave for every 35 hours worked.

Full-time employees may earn and use up to:

- 24 hours in 2018;
- 32 hours in 2019;
- 40 hours per year thereafter.

Once annual cap is reached, accrual stops. Employers may elect to offer more.

Time starts accruing right away (July 1, 2018 or the first day of employment, whichever is later).

Potential waiting periods to use earned leave are:

- 90-days for new employees;
- 180-days for temporary employees; and,
- 150-days for seasonal employees.

Must notice be given?

If the reason for leave has been planned at least 24 hours in advance, the employee must provide notice. In emergencies, notice must be provided as soon as reasonably possible. Except where impacted by the RI Food Code, employers **cannot ask the reason** for expending leave and are required by law to maintain employee confidentiality.

How may it be used?

Sick/safe leave shall be used at the employee's discretion, with the following considerations:

- Employers can impose a minimum block of time, but that block cannot exceed four hours. (Example, the employer might deny using leave in 30-minute increments, but cannot demand that more than four hours be used at one time.)
- Sick/safe leave cannot be used as an excuse for being late.
- An absence for more than three consecutive work days may require documentation.
- Fraudulent misuse of leave may result in disciplinary action, including termination of employment.

No retaliation.

Employers may not take adverse action against an employee for attempting to exercise their legal right to use earned sick/safe leave. Examples include: denying the use of time, giving undesirable assignments, reducing work hours or demotion.

Still have questions?

The RI Department of Labor and Training has answers. To learn more, or to report suspected violations of the **Healthy and Safe Families and Workplaces Act**, call (401) 462-8550, email DLT.LaborStandards@dlt.ri.gov or go to: www.dlt.ri.gov/ls/HSFWact.htm

