

Rhode Island's Sick and Safe Leave

What is sick and safe leave?

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

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 sick leave earned?

Employees may earn sick/safe leave based on their 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.

Time starts accruing on the first day of employment.

Starting in 2020, full-time employees may earn and use up to 40 hours per year. Once annual cap is reached, accrual stops. Employers may elect to offer more.

Potential waiting periods to use earned leave are:

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

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.

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.

Can employees face punishment for using leave?

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 visit www.dlt.ri.gov/ls/HSFWact.htm.