

# **2017 Rhode Island General Laws**

## **Title 28 - Labor and Labor Relations**

### **Chapter 28-57 - Healthy and Safe Families and Workplaces Act**

#### **Section 28-57-5 - Accrual of paid sick and safe leave time. [Effective July 1, 2018.].**

**Universal Citation:** [RI Gen L § 28-57-5 \(2017\)](#)

#### **§ 28-57-5. Accrual of paid sick and safe leave time. [Effective July 1, 2018.].**

(a) All employees employed by an employer of eighteen (18) or more employees in Rhode Island shall accrue a minimum of one hour of paid sick and safe leave time for every thirty five (35) hours worked up to a maximum of twenty-four (24) hours during the calendar year of 2018, thirty-two (32) hours during calendar year 2019 and up to a maximum of forty (40) hours per year thereafter, unless the employer chooses to provide a higher annual limit in both accrual and use. In determining the number of employees who are employed by an employer for compensation, all employees defined in § 28-57-3(7) shall be counted.

(b) Employees who are exempt from the overtime requirements under 29 U.S.C. § 213(a)(1) of the Federal Fair Labor Standards Act, 29 U.S.C. § 201 et seq., will be assumed to work forty (40) hours in each work week for purposes of paid sick and safe leave time accrual unless their normal work week is less than forty (40) hours, in which case paid sick and safe leave time accrues based upon that normal work week.

(c) Paid sick and safe leave time as provided in this chapter shall begin to accrue at the commencement of employment or pursuant to the law's effective date [July 1, 2018], whichever is later. An employer may provide all paid sick and safe leave time that an employee is expected to accrue in a year at the beginning of the year.

(d) An employer may require a waiting period for newly hired employees of up to ninety (90) days. During this waiting period, an employee shall accrue earned sick time pursuant to this section or the employer's policy, if exempt under § 28-57-4(b), but shall not be permitted to use the earned sick time until after he or she has completed the waiting period.

(e) Paid sick and safe leave time shall be carried over to the following calendar year; however, an employee's use of paid sick and safe leave time provided under this chapter in each calendar year shall not exceed twenty-four (24) hours during calendar year 2018, and thirty-two (32) hours during calendar year 2019, and forty (40) hours per year thereafter. Alternatively, in lieu of carryover of unused earned paid sick and safe leave time from one year to the next, an employer

may pay an employee for unused earned paid sick and safe leave time at the end of a year and provide the employee with an amount of paid sick and safe leave that meets or exceeds the requirements of this chapter that is available for the employee's immediate use at the beginning of the subsequent year.

(f) Nothing in this chapter shall be construed as requiring financial or other reimbursement to an employee from an employer upon the employee's termination, resignation, retirement, or other separation from employment for accrued paid sick and safe leave time that has not been used.

(g) If an employee is transferred to a separate division, entity, or location within the state, but remains employed by the same employer as defined in 29 C.F.R. § 791.2 of the Federal Fair Labor Standards Act, 29 U.S.C. § 201 et seq., the employee is entitled to all paid sick and safe leave time accrued at the prior division, entity, or location and is entitled to use all paid sick and safe leave time as provided in this act. When there is a separation from employment and the employee is rehired within one hundred thirty-five (135) days of separation by the same employer, previously accrued paid sick and safe leave time that had not been used shall be reinstated. Further, the employee shall be entitled to use accrued paid sick and safe leave time and accrue additional sick and safe leave time at the re-commencement of employment.

(h) When a different employer succeeds or takes the place of an existing employer, all employees of the original employer who remain employed by the successor employer within the state are entitled to all earned paid sick and safe leave time they accrued when employed by the original employer, and are entitled to use earned paid sick and safe leave time previously accrued.

(i) At its discretion, an employer may loan sick and safe leave time to an employee in advance of accrual by such employee.

(j) Temporary employees shall be entitled to use accrued paid sick and safe leave time beginning on the one hundred eightieth (180) calendar day following commencement of their employment, unless otherwise permitted by the employer. On and after the one hundred eightieth (180) calendar day of employment, employees may use paid sick and safe leave time as it is accrued. During this waiting period, an employee shall accrue earned sick time pursuant to this chapter, but shall not be permitted to use the earned sick time until after he or she has completed the waiting period.

(k) Seasonal employees shall be entitled to use accrued paid sick and safe leave time beginning on the one hundred fiftieth (150) calendar day following commencement of their employment, unless otherwise permitted by the employer. On and after the one hundred fiftieth (150) calendar day of employment, employees may use paid sick and safe leave time as it is accrued. During this waiting period, an employee shall accrue earned sick time pursuant to this chapter, but shall not be permitted to use the earned sick time until after he or she has completed the waiting period.

History of Section.  
(P.L. 2017, ch. 347, § 1; P.L. 2017, ch. 357, § 1.)

