

RHODE ISLAND

TEMPORARY CAREGIVER INSURANCE

2013 RHODE ISLAND GENERAL LAWS; TITLE 28 - LABOR AND LABOR RELATIONS

CHAPTER 28-41 - TEMPORARY DISABILITY INSURANCE - BENEFITS

SECTION 28-41-35 - BENEFITS



The Temporary Caregiver Insurance in Rhode Island offers a wage replacement insurance program that provides paid parental and medical leave to all private-sector employees in Rhode Island. The policy expanded Rhode Island's existing Temporary Disability Insurance (TDI) program; therefore, those who are TDI qualified also qualify for TCI. The program is employee-funded, providing a 60% wage replacement. The Temporary Caregiver Insurance program became effective on January 5, 2014 and was signed in to law by Governor Lincoln Chafee on July 11, 2013.

LAW DETAILS

EMPLOYEE BENEFIT

- + Up to four weeks of partial wage replacement per benefit year
 - House amended the bill to decrease amount of leave to four weeks
 - Will reduce the maximum amount of weeks for TDI
- + 60% wage replacement at 4.62% of the wages paid in the highest quarter of the base period (in 2018, max benefit is \$817.00 and minimum is \$89.00)
- + To care for seriously family, or bond with new child
- + Employees are deducted 1.1% of wages in 2018

ELIGIBILITY

- + Individuals working in Rhode Island, and some out of state. Federal, state, and some municipal employees are not covered. Partners and non-incorporated self-employed workers are not covered
- + Monetary requirements to be eligible are same as the TDI; must have worked in RI and paid into TDI fund

FUNDING

- + Employee funded
- + Looped in with your TDI payroll deductions

WORKER RIGHTS + REQUIREMENTS

- + Subject to Federal and State income taxes
- + Job and seniority protection
- + Must apply within the first 30 days after first day of leave taken; may not file claim ahead of time
- + Partial return to work is not available with TCI (but is with TDI)
- + Bonding claims only requested during first 12 months of parenting
- + Must be out of work 7 consecutive days before applying
- + Guarantees continuation of health benefits

EMPLOYER RIGHTS

- + Must hold employee position until return, or comparable position when returning
- + Employee must provide 30 days notice

SUPPORTING LAWS

Temporary Disability Insurance (TDI)

Paid for weeks of unemployment due to a temporary disability or injury. Enacted in 1942, was the first of its kind in the United States. It's funded exclusively by employees.

Rhode Island Parental and Family Medical and Leave Act (RIPFML)

- + With at least 50 employees, must give up to 13 weeks in any two calendar years
- + Can take concurrently with FMLA and State's Parental Family Medical Leave
- + TCI covers more family members than FMLA or the state program
- + Unpaid
- + Leave runs concurrently in most cases

OVERSIGHT BODIES

Department of Labor and Training

- + No legal jurisdiction over complaints and no job protection
- + Oversees the TDI program
- + Specifically the Temporary Disability Insurance Division

EMPLOYER IMPACT

[Assessing Rhode Island's Temporary Caregiver Insurance Act: Insights from a Survey of Employers](#)

- + **76% of small employers** were neutral or in favor about the TCI
- + Favorability of the law was **highest among employers with other 50 employees**; businesses with 20 to 49 employees had the most opposition to the law, with one-third of businesses reporting either being somewhat or strongly opposed
- + Largest employer in 2015 said **it's been a "nonissue"**

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TEMPORARY CAREGIVER INSURANCE

February 6, 2013

Introduced to the Senate

July 3, 2018

Senate passed Sub B in concurrence

July 11, 2013

Signed into law by Governor Chafee

January 5, 2014

Claims start

2018

Temporary Disability Insurance rate paid by employers to TDI dipped from 1.2 to 1.1%

March 29, 2018

House committee recommends House Bill 7544 be held for further research

RATES OF USE

IN 2018 (THROUGH OCTOBER):

10,457

initial claims were filed, accounting for

25.7% of the 40,692

TDI applications filed in 2018

RATES OF AWARENESS

Of leave takers that did not use TCI, 60.3% said it was because they were not aware of the program; of those that took no leave, 67.4% said they were not aware of the program

Approximately half of employees surveyed in 2015 were aware of TCI and its intended usage, but a substantially smaller portion of the sample was aware of the financial and legal aspects of TCI

Those with lower incomes, lower education, non-White populations, older workers, and those working for smaller employers are lower levels of awareness



PANORAMA

Panorama envisions a world where everyone has the opportunity to thrive at work, regardless of gender, race, or economic standing. As part of an initiative around the Future of Work, Panorama seeks to understand the incentives and barriers to corporate adoption of paid family and medical leave policies, and to provide tools, resources, and knowledge that allow employers to make strategic decisions for both their workers and their bottom lines.

Learn more at uspaidleave.org

SUPPORTING/OPPOSING ARGUMENTS

We Care for Rhode Island

- + Consisted of over 40 groups
- + Founded by Women's Fund of Rhode Island CEO Marcia Cone
- + Brought in "national politico operative" Steve Gerencser
- + Consulted and developed game plan and messaging needed to get TDI legislation passed

National Federation for Independent Business (corporate lobbyist group), and local Chamber of Commerce testified against the bill in Rhode Island legislature, citing potential burden to business

- + SHRM RI State Council publicly portrayed law as hostile to employers; republican state legislator insisted law is wide open for abuse

Support from the Main Street Alliance, American Sustainable Business Council, Small Business Majority, and U.S. Women's Chamber of Commerce all advocated for

- + Challenged fears of abuse with evidence from the California program
- + Concerns for business costs undercut by fact that employers don't have to pay into the fund (only workers)

Helped that Rhode Island has a long-standing, built-in temporary disability insurance system that already disburses payments to workers on leave

- + California and New Jersey already do too
- + Washington passed a law but didn't have an insurance system so never able to implement the program

Opposition also came because it's making insurance public; people have to pay into it that might never use it. Disruption to business when person leaves for length of time

- + Businesses said has barely made a ripple
- + Some feared it would be onerous for businesses, but thinking "evolved" after implementation

EXPANSIONS

H-7544

- + An act relating to labor and labor relations - temporary disability insurance (DIED)
- + Introduced on February 09, 2018 by Representatives Blazewski, Maldonado, Winfield, Casimiro, and McEntee
- + Committee recommended measure be held for further study
- + Action: amends the computation formula relative to temporary disability insurance, and adds siblings and caregivers to those workers eligible to receive temporary caregiver insurance