

## **SURVIVOR STATE EMPLOYMENT GUIDE**

# **RHODE ISLAND**

### **INTRODUCTION**

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

### **ANTI-DISCRIMINATION PROTECTIONS**

While Rhode Island does not include domestic violence or sexual assault in its general employment discrimination statute, under Rhode Island law ([R.I. Gen. Laws § 12-28-10](#)), an employer is prohibited from refusing to hire, discharge, or discriminate against an individual solely because the individual seeks or obtains a domestic abuse protective order or refuses to seek or obtain such an order.

Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

### **REASONABLE ACCOMMODATIONS**

At the time of publication, Rhode Island has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

### **LEAVE/TIME OFF WORK**

Under Rhode Island law, there are several ways an employee may be able to seek time off as a victim of domestic violence, sexual assault, or stalking.

- **Paid Sick and Safe Days:** Under Rhode Island law ([R.I. Gen. Laws § 28-57-3](#)), employees have the right to earn sick and safe leave from work. 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. Employees may use earned leave to deal with the impact of domestic violence, sexual assault, or stalking. In addition, employees may use earned leave to assist their child, spouse, domestic partner, or other member of their household for the same purposes. Employees may earn sick/safe leave based on their employer's policy, or, under the law, 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. Full-time employees may earn and use up to 40 hours per year and once the annual cap is reached, accrual stops, but 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. 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.

- *Do I have to show proof of domestic violence?* Employers cannot ask the reason for expending leave and are required by law to maintain employee confidentiality. Employers may not take adverse action against an employee for attempting to exercise their legal right to use earned sick/safe leave.
- **Time Off for Crime Victims:** Under Rhode Island law, (**R.I. Gen. Laws § 12-28-13**), every employer in the state with 50 or more employees must allow an employee who is a victim of a crime to leave work to attend court proceedings related to the crime. This time off may be unpaid. The employer may not dismiss or demote the employee who is a victim of a crime because the employee exercises the right to leave work pursuant to this law. The employee may elect to use, or the employer may require the employee to use, the employee's accrued paid vacation, personal leave, or sick leave.
  - *Do I have to show proof of domestic violence?* An employer may request a copy of notification of court proceedings.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

### **UNEMPLOYMENT INSURANCE**

Under Rhode Island law (**R.I. Gen. Laws § 28-44-17.1**), an individual is eligible for unemployment benefits if the individual voluntarily leaves work due to qualifying circumstances directly resulting from "domestic abuse." The definition of "domestic abuse," applies to acts between cohabitants, or against a cohabitant's minor child, or between persons who have been in a "substantive dating relationship," or engaged within the previous year. The definition encompasses sexual assault and stalking within the qualified relationships. The individual must also demonstrate that the individual reasonably fears future domestic abuse at or en route to the workplace, needs to relocate to avoid future violence, or reasonably believes that leaving work is necessary to ensure the safety of the individual or the individual's family.

- *Do I have to show proof of domestic violence?* The Department of Labor shall require documentation of abuse, including, but not limited to, police or court records, or other documentation of domestic abuse from a shelter worker, attorney, member of the clergy, or medical or other professional from whom the individual has sought assistance, and shall keep that documentation confidential.