



## **Frequently Asked Questions** ***Sick and Safe Leave Act***

### **1) What is Sick and Safe Leave?**

The Healthy and Safe Families and Workplaces Act, also known as Sick and Safe Leave, is a Rhode Island law that went into effect on July 1, 2018. The law requires employers to provide employees with a minimum number of days to take time away from work for an injury or illness or to care for a close family member with an injury or illness. Under the law, employees may also use Sick and Safe Leave should they or someone they care for experience domestic violence, sexual assault or stalking.

### **2) Which employers in Rhode Island are required to provide leave under the policy?**

The act applies to nearly all employers in the state with 18 or more employees.

### **3) When did this law take effect?**

The law took effect on July 1, 2018. The Rhode Island Department of Labor and Training expects employers to be fully compliant with the act by Jan. 1, 2019.

### **4) Who at Brown University is eligible for Sick and Safe Leave?**

Everyone who is employed by Brown is eligible for Sick and Safe Leave, including faculty, staff and student workers.

### **5) How does Sick and Safe Leave differ from Brown's current Sick Time policy?**

For many employees, the time allotted under Brown's existing Sick Time policy meets or exceeds Sick and Safe Leave requirements. For regular and fixed-term employees working 50 percent time or more, the new law does not increase sick leave time.

However, there are some differences between Sick and Safe Leave and sick time taken under Brown's Sick Time policy. The new law expands the definition of "family member" as it pertains to employees taking time away from work to care for someone else, and also outlines additional circumstances under which an employee can take time away from work. Questions five and six (below) provide additional details.

Additionally, there are some Brown employees who are not eligible for sick time under Brown's policy who *are* eligible for time away under Sick and Safe Leave. These include regular and fixed-term employees who work less than 50 percent time, as well as undergraduate and graduate student workers and seasonal and intermittent employees.

Seasonal and intermittent employees include employees who are on call, without a regular or predictable schedule; employees who work a part-time schedule on an as-needed basis for specialized work; employees who will work less than six months on a one-time or annually recurring basis; or employees who work 12 hours per week or less.

**6) Who is considered a family member under Sick and Safe Leave?**

Under the definitions of the new law, a family member is a child, parent, spouse, mother-in-law, father-in-law, grandparent, grandchild, domestic partner, sibling, care recipient or member of the employee's household.

**7) What kind of absences not covered by Brown's Sick Time policy can be taken using Sick and Safe Leave?**

For both exempt and non-exempt positions, the amount of sick time a regular or fixed-term employee working 50 percent time or more can accrue will not increase due to this new law. However, an employee may designate sick time as Sick and Safe Leave for some circumstances not included in Brown's Sick Time policy. In addition to using Sick and Safe Leave to take time away from work for an injury or illness, employees can take Sick and Safe Leave should they experience domestic violence, sexual assault or stalking. It can also be used for the care of an eligible family member who is sick or has been injured — or has experienced domestic violence, sexual assault or stalking.

**8) How many days can I be absent using Sick and Safe Leave as an absence reason?**

Regular or fixed-term employees who work more than 50 percent time are allowed up to 3 work days (or the equivalent number of hours) to use as Sick and Safe Leave time through Dec. 31, 2018; up to 4 work days (or the equivalent number of work hours) between Jan. 1, 2019, and Dec. 31, 2019; and up to 5 work days annually (or the equivalent number of work hours) effective Jan. 1, 2020, and every year thereafter.

Regular or fixed-term employees who work less than 50 percent time are allowed up to 3 hours through Dec. 31, 2018. Seasonal and intermittent employees are allowed up to 7 hours through Dec. 31, 2018. Undergraduate and graduate student workers are allowed up to 6 hours through Dec. 31, 2018. Information on 2019 Sick and Save Leave time amounts for these employees will be available before the end of 2018.

For more specific information on Sick and Safe Leave for student employees, please see the Student FAQs page.

**9) When can I start using leave time under the Sick and Safe Leave law?**

Regular and fixed-term employees working 50 percent time or more who have worked at Brown for more than 90 days can use this designation effective immediately. Graduate and undergraduate student workers can use the designation starting Nov. 1, 2018. Seasonal and intermittent employees are eligible 150 days after their date of hire.

**10) How do I take Sick and Safe Leave?**

Staff can designate time off as Sick and Safe Leave while requesting time away in Workday. No further action is required. Because faculty do not use Workday to record sick time, they should follow their department's policy for reporting sick time to designate Sick and Safe Leave time.

For more specifics on how to designate Sick and Safe Leave as a student employee, including for students compensated through stipends, please see the Student FAQs page.

**11) Do I need to provide documentation if I request leave time under the Sick and Safe Leave law?**

No. Employees requesting Sick and Safe Leave do not need to provide documentation to support an absence that meets the eligibility, and they do not need to explain their reason for requesting Sick and Safe Leave.

**12) Is there any Title IX or Clery reporting required for Sick and Safe Leave?**

Use of time under the Sick and Safe Leave Act itself does not create any reporting requirements, including under Title IX or Clery Act regulations. However, if in the course of requesting Sick and Safe Leave, an employee voluntarily discloses to a supervisor that they have experienced domestic violence, sexual assault or stalking, the supervisor must notify Brown's Title IX and Gender Equity Office. Contact the Title IX and Gender Equity Office at 401-863-2386 or [titleixoffice@brown.edu](mailto:titleixoffice@brown.edu) for information regarding Title IX and Clery reporting, as well as resources and support related to sexual violence and other forms of gender based-discrimination.

**13) Where can I go to learn more information about the Sick and Safe Leave Act?**

A State of Rhode Island fact sheet about the act can be found here:

<http://www.dlt.ri.gov/ls/pdfs/HSFWfactsheet.pdf>

**14) Who can answer additional questions that I have regarding the use of this leave?**

Employees can email the Benefits Office at [benefits\\_office@brown.edu](mailto:benefits_office@brown.edu) or contact Jeffrey Jakulevicius, Benefits Compliance Analyst, at [jeffrey\\_jakulevicius@brown.edu](mailto:jeffrey_jakulevicius@brown.edu) or (401) 863-7594.