

260-RICR-40-05-2

TITLE 260 – DEPARTMENT OF LABOR AND TRAINING

CHAPTER 40 – INCOME SUPPORT

SUBCHAPTER 05 - UNEMPLOYMENT AND TEMPORARY DISABILITY INSURANCE

PART 2 - EMERGENCY REGULATIONS FOR THE WAIVER OF EMPLOYEES' AND EMPLOYERS' DUTIES AND OBLIGATIONS DURING A POTENTIAL HEALTH THREAT RELATED TO THE INFECTIOUS COVID-19 VIRUS PURSUANT TO TITLE 28 OF RHODE ISLAND GENERAL LAWS

2.1 Authority

These rules and regulations are promulgated pursuant to R.I. Gen. Laws §§ 28-41-19 and 28-42-34, as amended.

2.2 Definitions

- A. "Director" means the Director of the Department of Labor and Training and his or her designee.
- B. "Department" means the Department of Labor and Training.
- C. "State of Emergency" means a potential threat to the health, safety, or resources of the people of the state related to the infectious "SARS-CoV-2 virus" which causes "Coronavirus Disease-2019" (COVID-19).

2.3 Eligibility During State of Emergency

2.3.1 Unemployment Insurance

- A. Pursuant to R.I. Gen. Laws § 28-44-14(e), in the event that an individual's unemployment is due to State of Emergency, the waiting period for unemployment benefits or Workshare benefits shall be waived.

2.3.2 Temporary Disability Insurance

- A. Pursuant to R.I. Gen. Laws § 28-44-14(e), in the event that an individual's unemployment is due to State of Emergency, R.I. Gen. Laws § 28-41-11(c) shall be waived.
- B. Every claimant who has been medically diagnosed with COVID-19 or quarantined as a result of potential exposure to COVID-19 within the calendar week in which the first day of unemployment due to sickness occurs or within the calendar week prior or subsequent thereto and who files a claim for benefit credits under R.I. Gen. Laws § 28-41-15(a) shall be entitled to such for each week of unemployment due to sickness if:
1. He/she has provided an affidavit that he/she has been medically diagnosed with COVID-19 or quarantined as a result of potential exposure to COVID-19 within the calendar week in which the first day of unemployment due to sickness occurs or within the calendar week prior or subsequent thereto.
 2. The Department will not process a claim for benefits credits unless the claimant has produced an affidavit that he/she has been medically diagnosed with COVID-19 or quarantined as a result of potential exposure to COVID-19 and has an inability, due to sickness or quarantine, to perform his/her regular or customary work.
 3. Fourteen (14) days from the Department's receipt of an affidavit pursuant to § 2.3.2(B)(1) of this Part, the claimant shall have been examined by a licensed Qualified healthcare provider, as defined by §1.4(A)(3) of this Subchapter; provided, however, that for good cause as shall be determined by the Director or his/her authorized representative, an examination by a licensed Qualified Healthcare Provider may be waived or the timeframe required for such examination extended.
 4. Fourteen (14) days from the Department's receipt of an affidavit pursuant to § 2.3.2(B)(1) of this Part, the claimant shall provide a certified form from his/her attending licensed Qualified healthcare provider having his/her signature that the claimant has the inability to perform his/her regular or customary work due to sickness; provided, however, that the Director or his/her authorized representative may for good cause, as determined by the Director, permit such determination without such form or signature.

