

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.

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Agency Signature

Agency Head Signature

Agency Signing Date

Governor's Signature

Signed By

Governor or Designee

Governor Signing Date

Department of State

Regulation Effective Date

Department of State Initials

Department of State Date

