



# State of Rhode Island COMMISSION FOR HUMAN RIGHTS

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## TESTIMONY

BILL NO.: 2026 H 8578  
BILL TITLE: An Act Relating to Human Services – Family Caregivers Support Act  
PRIMARY SPONSOR: Representative O’Brien  
COMMITTEE: House Labor  
DATE: June 2, 2026

The Rhode Island Commission for Human Rights (“Commission”) **requests amendments** to this bill to address structural concerns with the language and to provide funding to implement enforcement.

The Commission is the state’s primary antidiscrimination law enforcement agency charged with investigating allegations of discrimination based on categories such as race, sex, disability and age in employment, housing, public accommodations and credit.

H 8578 creates a new obligation for employers to provide accommodations for family caregivers and prohibits denial of employment and other adverse actions because of family caregiver responsibilities. Although not an amendment to the state Fair Employment Practices Act (FEPA), which is enforced by the Commission, the bill gives enforcement authority to the Commission.

The definition of family caregiver is broad. § 40-8.11-2(b) provides that:

The term “family caregiver” is defined and refers to any relative, partner, friend, or neighbor who has a significant relationship with, and who provides a broad range of assistance for, an older adult or an adult or child with chronic or disabling conditions.

The protections for family caregivers in this bill would be broader than the current FEPA protections for people with disabilities, which require employers to provide reasonable accommodations that would not cause an undue hardship (§§ 28-5-7(1)(iv)). In contrast, this bill would make it unlawful to “deny a request by the family caregiver for flexible scheduling, remote work or adjusted hours to accommodate family caregiving therapy, medical appointments or other caregiving needs” unless the request would cause undue hardship for the employer. (Emphasis added.) The bill contains no requirement of *reasonableness* related to the family caregiver accommodation request.

The Commission further notes that the defense of undue hardship would be different for employers who employ less than twenty-five (25) employees than for those employers who employ twenty-five (25) or more employees. Compare proposed § 40-8.11-4(a)(3) with proposed § 40-8.11-4(b). The Commission finds the language in § 40-8.11-4(b) to be confusing and difficult to enforce.

The Commission further notes that the enforcement procedures in § 40-8.11-4(d) are not the same as the procedures currently in the FEPA. See §§ 28-5-17 and 28-5-24. The distinctions in enforcement provisions could lead to confusion, especially for individuals who may file charges alleging family caregiver discrimination in addition to discrimination on any of the other bases protected under the FEPA (e.g. race , sex , disability),

The Commission's primary concern is that the bill's provisions would create a large number of additional cases at the Commission with no additional resources. Unlike most employment discrimination cases taken in by the Commission, family caregiver cases would not be eligible for the partial compensation currently provided for the investigation of anti-discrimination cases by funding from the Equal Employment Opportunity Commission (EEOC). Further, the Commission is currently facing uncertain federal funding as EEOC has restricted funding for certain types of cases that were eligible for funding in past years. EEOC also recently reduced the number of Commission cases eligible for funding based on EEOC's financial resources. In addition, the Commission currently has a backlog of cases pending assignment due to insufficient staffing to effectively handle its current intake of cases. **Therefore, the Commission requests that a fiscal note be developed for this bill to reflect the additional cost of enforcement so that the Commission's ability to handle its current enforcement of anti-discrimination laws is not impaired. Alternatively, the law could be enforced by providing a private right of action in the courts rather than giving enforcement authority to the Commission.**

The Commission remains open to participating in any efforts to promulgate the important protections this bill seeks to implement while addressing the Commission's concerns with current wording and the need for additional funding.

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