

	<i>Administrative Regulation</i>	
	Policy#	8.2
	Effective:	03/07/2023
	Revised:	N/A
<b>Oregon Sick Time Leave</b>		Owner: Human Resources

**Note:** Terms in **bold** and *italics* throughout this policy are defined below.

## PURPOSE:

Oregon employers are required to provide up to 40 hours of paid sick time per calendar year.

## SCOPE:

All full-time, part-time, temporary, and seasonal employees are eligible to receive paid sick time.

## POLICY:

The City provides its employees with sick time leave or Paid Time Off (PTO) pursuant to Oregon law. The City's Sick Leave and PTO administrative regulations are deemed to be in substantial compliance with the minimum requirements of ORS 653.601 to 653.661. In the event of any conflict between this policy and applicable law, the law will be followed.

Employees are entitled to accrue and use up to 40 hours of paid ***protected time*** each year, provided the employee has accrued hours available to use. Use of accrued sick leave or PTO hours may not be used until the employee has been employed for at least 90 days. Employees will receive a written update of their available sick leave balance at least once per quart.

## PROCEDURE:

### 1. Reasons for Taking Oregon Sick Leave

#### 1.1. Time off may be used for the following reasons:

- 1.1.1. An employee's personal mental or physical illness, injury or health condition, need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition, or need for preventive health care.
- 1.1.2. For the care of a ***family member*** for any of the reasons listed above.
- 1.1.3. To seek legal or medical services if an employee is a victim of domestic violence, sexual assault, or stalking.
- 1.1.4. To recover from or seek treatment for a health condition that rendered the employee unable to perform at least one essential function of their job.

- 1.1.5. For the birth, adoption, or foster care placement of a child.
- 1.1.6. For absences associated with the death of a family member.
- 1.1.7. When the employee's place of business is closed by order of a public health official, when a public health authority or health care provider has told an employee or their family member (who requires care) to isolate or quarantine, or when the employee has been excluded from the workplace for health reasons by any law or rule.
- 1.1.8. When an employee's child's school or childcare provider is closed due to a public health emergency.
- 1.1.9. An emergency evacuation order of level 2 (SET) or level 3 (GO) issued by a public official with the authority to do so, if the affected area subject to the order includes either the location of the employer's place of business or the employee's home address.
- 1.1.10. A determination by a public official with the authority to do so that the air quality index or heat index are at a level where continued exposure to such levels would jeopardize the health of the employee.

## **2. Timecard Coding for OST**

- 2.1. Employees should code SIC (if they accrue sick leave) or PTO (if they accrue personal time off) when using time that qualifies under Oregon Sick Time (OST).
  - 2.1.1. If the time off qualifies as FMLA- and/or OFLA-protected time, employees will be instructed to use the appropriate FMLA/OFLA timesheet codes.
  - 2.1.2. For employees who accrue PTO, the first 40 hours of time coded to PTO in a calendar year will be considered OST even if it was used for a purpose other than sick leave.
- 2.2. When using OST, employees will be paid at the rate the employee would have earned had they not been absent.

## **3. Leave Request and Notification Requirements**

- 3.1. Employees must make reasonable efforts to schedule planned sick leave in a manner that does not unduly disrupt operations such as avoiding leave during peak work hours, when work is time-sensitive, or when mandatory meetings are scheduled.
- 3.2. If the need to use sick time is foreseeable, the employee must give at least 10-days' advance notice of employee's intention to use sick time.

- 3.3. When the need to use sick time is unforeseeable, the employee shall provide notice as soon as practicable and must comply generally with the employer's procedural requirements for requesting or reporting other time off.

#### **4. Additional Hours or Shifts**

- 4.1. The City may offer an employee who called in sick, additional hours or shifts that the employee may not normally be scheduled during the same week in which the employee called in sick.
- 4.2. Any of these hours or shifts the employee agrees to work will compensate for hours or shifts during which the employee was absent from work without using, or being paid for, accrued sick time for the hours or shifts missed.

#### **5. Employer Notice**

- 5.1. A statement of the employee's sick time accrual, use, and balance will be provided in the payroll statement provided to employees on pay day.

#### **6. Medical Verification**

- 6.1. When an employee takes more than three consecutive days of sick leave, the City may require verification from a health care provider.
- 6.2. Use of leave for reasons not covered by the law may be deemed abuse of sick leave and the City may require medical verification even for absences of fewer than three or more consecutive days.

#### **7. Restoration**

- 7.1. Employees rehired within 180 days of separation from service will have their OST accrual balance restored as well as credit for any portion of their 90-day waiting period previously served. This includes regular employees rehired as temporary employees, or vice versa.
- 7.2. If rehired after 180 days, the employee is treated as a new employee for OST purposes.

### **DEFINITIONS:**

1. **"Family member"** is defined to include any of the following persons in relation to the employee:
  - 1.1. spouse or domestic partner
  - 1.2. biological, adoptive, or foster parent
  - 1.3. biological, adoptive, step, foster, or the child of domestic partner

- 1.4. grandparent
  - 1.5. grandchild
  - 1.6. parent-in-law
  - 1.7. person with whom the employee was or is in a relationship of in loco parentis.
2. ***“Protected Time”*** means the employee has a legal right to take the leave if it meets qualifying criteria. The City may not interfere with or discourage its use, nor retaliate against an employee for exercising this right. Employees also have the right to return to work after protected leave.

## **RESOURCES:**

1. [ORS 653.601 to 653.661](#)
2. [OAR 839-007](#)