

	<i>Administrative Regulation</i>	
	Sick Leave	
	Policy#	8.1
	Effective:	06/04/2019
	Revised:	02/21/2023
	Owner:	Human Resources

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

PURPOSE:

The City provides sick leave to support continuity of income to an employee in the event of qualifying personal and family *injuries* and *illnesses* that prevent the employee from working their regularly scheduled hours.

SCOPE:

This regulation applies to City employees, including temporary and unbudgeted staff, who are not enrolled in the PTO plan.

POLICY:

Unless otherwise provided in a collective bargaining agreement, employees who are not on the PTO plan will begin to accrue protected sick time from their first day of employment. Sick Leave may not be used until the first day of the pay period after it is earned. The first 40 hours of leave coded annually for qualifying FMLA/OFLA absences (whether sick leave or other accrued leave), will count towards ***Oregon Sick Time*** (OST).

Sick leave accrues as follows:

1. Full-time employees shall accrue sick leave at a biweekly rate of 3.693 hours per pay period.
2. Part-time employees accrue sick leave on a prorated basis.
3. Temporary and unbudgeted employees accrue sick leave beginning on their first day at a rate of one (1) hour for every thirty (30) hours of work, or 0.033 hours per hour worked.

Employees do not accrue sick leave during unprotected, unpaid leaves of absence. Accruals will be prorated based on hours worked excluding overtime.

PROCEDURE:

1. Notification

- 1.1. When the need for sick leave is foreseeable, the employee should notify their supervisor at the time the need becomes known.
- 1.2. When the need for sick leave is unforeseeable, an employee should notify their supervisor at least thirty minutes prior to the start of their workday or shift or in accordance with department procedures.

2. Use of Sick Leave

- 2.1. The City provides paid sick leave when employees are unable to perform employment duties for the following reasons:
 - 2.1.1. An employee's personal mental or physical illness, including pregnancy, childbirth, and routine medical and dental appointments.
 - 2.1.2. To care for a **family member** with mental or physical illness, injury, or health condition; to care for a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or to care for a family member who needs preventive medical care.
 - 2.1.3. Any leave covered under the Family Medical Leave Act or the Oregon Family Leave Act.
 - 2.1.4. When law requires an employer to exclude an employee from work for health reasons.
 - 2.1.5. When the City or an employee's child's school (or place of care) closes for a public health emergency.
 - 2.1.6. Absences related to domestic violence, harassment, sexual assault, or stalking.
 - 2.1.7. For 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.
 - 2.1.8. When a determination has been made 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.
- 2.2. If an employee is ill during scheduled vacation leave, they may take sick leave in lieu of vacation time upon approval from their supervisor or designee. The employee may be required to provide medical verification of the illness.
- 2.3. Employees receiving Short-Term Disability benefits may request to use accrued leave hours to supplement either 20% or 40% of their normal daily scheduled hours.

- 2.4. Employees receiving Long-Term Disability benefits are required to use accrued leave hours to supplement 40% of their normal daily scheduled hours.

3. Coding of Sick Leave

- 3.1. The employee or the employee's supervisor should code the amount equivalent to the time the employee is absent from scheduled work hours, provided that the sick leave accruals are available.
- 3.2. An exempt employee must code sick leave for any whole or partial missed day.

4. Exhaustion of Sick Leave

- 4.1. When the illness, injury, or disability of an employee continues beyond the period of accumulated sick leave, the employee shall use any other accumulated paid leaves for continued absences.
- 4.2. When an employee exhausts all accumulated leaves, they may request unpaid leave, which may be approved as a reasonable accommodation.

5. Supporting Evidence for the Use of Sick Leave

- 5.1. Medical verification may be required under this rule in the following circumstances:
 - 5.1.1. An employee takes more than three consecutively scheduled workdays of sick time.
 - 5.1.2. An employee commences sick time without providing notice.
 - 5.1.3. An employee requests sick leave while on approved vacation.
 - 5.1.4. An employer has evidence to suspect that an employee is abusing sick time, including patterns of absenteeism, even if the absence is fewer than three consecutive days.
- 5.2. The City will pay the cost of any verification by the health care provider that is not covered by insurance or another benefit plan.
 - 5.2.1. An employee must provide acceptable evidence or medical certification within 15 calendar days of the request.
 - 5.2.2. If the employee is unable to provide evidence, despite the employee's diligent, good faith efforts, they must provide it within a reasonable period of time, but no later than 30 calendars days after the request.
 - 5.2.3. If the employee fails to provide the required evidence within the specified period, the request for the use of sick leave will be denied and recorded as

unscheduled vacation time. This time may be considered unprotected and subject to disciplinary procedures under the Attendance administrative regulations.

6. Accrual Caps

6.1. Sick leave accrual is capped as follows:

6.1.1. The maximum accumulation is 960 hours. There is no accrual cap for employees who were in management or supervisory positions as of October 1, 2016.

6.1.2. Maximum accumulation for sworn (non-union) police management is limited to 1200 hours. Maximum accumulation is unlimited for individuals who assumed management or supervisory positions on or before October 1, 2016.

6.1.3. Maximum accumulation for sworn (non-union) fire management is limited to 2,500 hours.

6.1.3.1. The City will maintain the **PERS sick tracking bank** for employees who have an established PERS sick tracking bank with a different balance from their sick leave bank. Maximum accumulation in the "PERS tracking bank" is limited to 2,500 hours.

7. Sick Leave at Separation

7.1. Accrued but unused sick leave is not paid out at termination.

7.2. Employees who retire under PERS and who are eligible for the PERS sick-leave program will have their unused sick-leave balance reported to PERS per ORS 238.350(2)(A) or paid out in accordance with the Retirement Benefit administrative regulation.

7.3. Sick leave may be payable at retirement as outlined in the City's Retirement Benefit administrative regulation.

8. Sick Leave Reinstatement

8.1. A regular full- or part-time employee who voluntarily resigns (excluding retirement) and who is later rehired into a benefited position within twelve months will have their sick leave reinstated, up to the applicable cap.

8.2. A temporary or unbudgeted employee who is rehired by the City within 180 days shall receive reinstatement of the sick leave hours in accordance with the Oregon Sick Time law.

- 8.3. Sick leave balances will be restored for employees recalled following a reduction in force.
- 8.4. Sick Leave hours over the accrual cap at the time of separation are not eligible for reinstatement.

DEFINITIONS:

1. ***“Family member”*** is a member including the employee’s spouse, same-gender domestic partner (as described in ORS 106.300 to 106.340), biological child, adopted child, stepchild, foster child, same-gender domestic partner’s child, parent, adoptive parent, stepparent, foster parent, parent-in-law, same-gender domestic partner’s parent, grandparent, grandchild, any relative residing in the employee’s immediate household, and any individual with whom an employee has or had an ***in loco parentis*** relationship and to care for any other individual as defined by OFLA or FMLA.
2. ***“In loco parentis”*** are those with day-to-day responsibilities to care for or financially support a child, or who had such responsibility for the employee when the employee was a child.
3. ***“Illness or Injury”*** is an illness or injury that is expected to incapacitate an employee for an extended period of time, or that incapacitates a member of the employee’s family, and such incapacity requires the employee to take time off from work for an extended period of time for that family member.
4. ***“Oregon Sick Time (OST)”*** provides employees with up to 40 hours, per calendar year, of protected sick time off, if they have the available accrued paid leave (PTO, Vacation, or Sick Leave). OST is protected time when you are allowed to miss work to take care of yourself or a family member that is sick, injured, experiencing mental illness, or needs to visit the doctor. Up to 40 hours of unused OST accruals may be carried out over to the following year.
5. ***“PERS Sick tracking bank”*** is a tracking bank that tracks the eligible hours for PERS sick leave fold in for Tiers 1 & 2 Fire. Prior to March 2016, fire accrued more than 8 hours a month so a separate tracking bank was established to track the hours that could be reported to PERS at retirement vs the hours that were accruing for usage. The tracking bank accrues and is reduced for sick leave use concurrently with the sick leave bank and is not a separate accrual bank. Hours are accrued and used concurrently in both banks. Hours reported to PERS at retirement are not eligible for payout; only hours remaining after PERS reporting are eligible for payout up to the payout cap.

RESOURCES:

Administrative Regulations:

1. [Disability Accommodations](#)
2. [Family Medical Leave](#)
3. [Leave of Absence](#)
4. [Paid Time Off \(PTO\)](#)
5. [Oregon Sick Time](#)
6. [Retirement Benefits](#)

Links:

1. [Employees of Public Agencies CFR 541.710](#)
2. [Labor Agreements](#)
3. [Workers' Compensation Guide](#)
4. [Oregon Sick Leave Law ORS 653.600](#)