

Sick Time

Oregon Senate Bill 454 mandating paid sick time went into effect on January 1, 2016. This law is independent from sick leave under ORS 332.507. Nothing in this policy impacts the district's sick leave obligation under ORS 332.507, the district's collective bargaining agreements, or Non-Represented Employees Salary and Benefits Document except where those agreements are silent or not in effect regarding sick time requirements. Licensed, classified, and non-represented employee groups should refer to their appropriate bargaining agreement for all applicable leave.

For the purpose of this policy "employee" means an individual who is employed by the district and who is paid on an hourly, stipend, or salary basis and for whom withholding is required under Oregon Revised Statute (ORS) 316.162-316.221. The definition does not include volunteers or independent contractors.

Employees qualify to begin earning and accruing sick time on the first day of employment with the district.

Paid sick time of 40 hours shall be front-loaded to an employee who falls within the following groups at the beginning of each year: Licensed and non-represented staff who are 0.5 FTE or greater, coaches, and seasonal stipends.

Paid sick time shall accrue at the rate of one hour of paid sick time for every 30 hours worked for an employee who falls within the following groups: Licensed and non-represented staff who are 0.49 FTE or less, classified staff, both licensed and classified substitutes, student employees, and non-regular/timecarded employees.

If an individual falls into more than one group identified above, sick time will be accrued at the rate of the primary position. If an employee's bargaining agreement grants equal or greater sick leave benefits, then no additional sick time is accrued.

An employee may carry up to 40 hours of unused sick time from one year to the subsequent year. An employee is limited to using no more than 40 hours of sick time in a year.

Sick time shall be taken in hourly increments for all employee groups, except licensed substitutes who will take sick time in minimum four hour increments, and may be used for the employee's or a family member's¹ 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 care, or for reasons consistent with the Family Medical Leave Act (FMLA) or OFLA. Sick time may also be used in the event of a public health emergency.

¹"Family member" is defined by the Oregon Family Leave Act (OFLA).

The use of sick time may not lead to, or result in, an adverse employment action against the employee.

The district reserves the right, after five consecutive days of absence, to require proof of personal illness or injury from an employee, including a medical examination by a physician chosen and paid for by the district. An employee refusing to submit to such an examination or to provide other evidence as required by the district, shall be subject to appropriate disciplinary action, up to and including dismissal.

When the reason for sick time is consistent with FMLA/OFLA leave, the sick time and the FMLA/OFLA leave may run concurrently.

When the reason for sick time is consistent with ORS 332.507, the sick time and leave pursuant to ORS 332.507 may run concurrently.

If the reason for sick time is a foreseeable absence, the district may require the employee to provide advance notice of his or her intention to use sick time within ten days of the requested sick time, or as soon as practicable. When an employee uses sick time for a foreseeable absence, they shall take reasonable effort to schedule the sick time in a manner that does not unduly disrupt the operations of the district (e.g., grading deadlines, in-service training, mandatory meetings).

If the reason for sick time is unforeseeable, such as an emergency, accident or sudden illness, the employee shall notify the district as soon as practical.

The district shall establish a standard process to track the eligibility for sick time of a substitute.

END OF POLICY

Legal Reference(s):

[ORS 332.507](#)

[ORS 342.610](#)

SB 454 (2015)

[ORS 342.545](#)

[ORS 659A.150 to -659A.186](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).
Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601-2654 (2006); Family and Medical Leave Act of 1993, 29 C.F.R. Part 825 (2006).

Americans with Disabilities Act Amendments Act of 2008.

Cross Reference(s):

ACA - Americans with Disabilities Act
GBDA - Mother Friendly Workplace
GCBDA/GDBDA - Family Medical Leave
GCBD/GDBD - Leaves and Absences