

Harney Education Service District

Code: GCBDD/GDBDD
Adopted: 4/13/16

Sick Time*

“Employee” means an individual who is employed by the ESD 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 ESD.

[An ESD employing 10 or more employees shall allow an eligible employee to access up to 40 hours of paid sick time per year. [Paid sick time shall accrue at the rate of at least one hour of paid sick time for every 30 hours the employee works, or 1-1/3 hours for every 40 hours the employee works.] [Paid sick time of 40 hours shall be front-loaded to an employee at the beginning of each year.]]

OR

[An ESD employing less than 10 employees shall provide access for an eligible employee of at least 40 hours of unpaid sick time or unpaid time off. [Unpaid sick time or time off shall accrue at the rate of at least one hour of paid sick time for every 30 hours the employee works, or 1-1/3 hours for every 40 hours the employee works.] [Unpaid sick time or time off shall be front-loaded to an employee at the beginning of each year.]]

The employee may carry up to 40 hours of unused sick time from one year to the subsequent year. [¹An employee is limited to [accruing no more than 80 hours of sick time] [using no more than 40 hours of sick time in a year].]

Sick time shall be taken [in hourly increments] [in minimum increments not to exceed four hours] and may be used for the employee’s or a family member’s² 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.

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

The ESD reserves the right [after [three] 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 ESD. An employee refusing to submit to such an examination or to provide other evidence as required by the ESD, shall be subject to appropriate disciplinary action, up to and including dismissal.

¹If the ESD chooses to limit the accrual or usage, the ESD must choose language in the bracketed sentence and keep this sentence in policy.

²“Family member” is defined by the Oregon Family Leave Act (OFLA).

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 ESD may require the employee to provide advance notice of their intention to use sick time within [10] days of the requested sick time, or as soon as practicable. When the employee uses sick time for a foreseeable absence, the employee shall take reasonable effort to schedule the sick time in a manner that does not unduly disrupt the operations of the ESD (e.g., grading deadlines, inservice training, mandatory meetings).

If the reason for sick time is unforeseeable, such as an emergency, accident or sudden illness, the employee shall notify the ESD [consistent with the reporting time established by the ESD or] [at least 24 hours in advance or] as soon as practicable.

The ESD 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 342.545](#)

[ORS 342.610](#)
[ORS 653.601 to -653.661](#)

[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):

GBDA - Mother Friendly Workplace
GCBDA/GDBDA - Family Medical Leave