



## **Sick Time**

“Employee” means an individual who is employed by the public charter school 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 public charter school.

A public charter school shall allow all full time non licenced employees and those working .5 FTE or more to access up to 40 hours of paid sick time per fiscal year. Paid sick time shall accrue at the rate of at least one hour of paid sick time for every 30 hours, or 1-1/3 hours for every 40 hours for all substitutes and those employees that work less than .5 FTE. Paid sick time of 40 hours shall be front-loaded to all full-time nonlicensed employees and those employees working .5 FTE or more at the beginning of each fiscal year.

Licensed teachers will be front loaded 56 hours of sick time at the begging of each fiscal year. The licensed teachers will be able to carry over up to 56 of unused sick time from one year to the subsequent fiscal year. The licensed teacher is limited to using no more than 56 hr of sick time in a fiscal year.

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

Sick time shall be taken in hourly increments, except for licensed teachers and licenced substitutes that must take sick time in increments of 4 hrs, and may be used for the employee’s or a family member’s<sup>1</sup> 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 public charter school 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 public charter school. An employee refusing to submit to such an examination or to provide other evidence as required by the public charter school, shall be subject to appropriate disciplinary action, up to and including dismissal.

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<sup>1</sup>“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.

If the reason for sick time is a foreseeable absence, the public charter school 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 public charter school (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 public charter school at least 12 hours in advance or as soon as practicable.

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

END OF POLICY

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**Legal Reference(s):**

[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):**

ACA - Americans with Disabilities Act  
GBDA - Mother Friendly Workplace