



Code: **GCBDD/GDBDD**
Adopted: 5/18/16
Readopted: 10/26/16

Sick Time (SB 454) and Sick Leave (ORS 332.507)

“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.

All employees qualify to begin earning and/or accruing sick time and/or sick leave on the first day of employment with the district.

A district employing 10 or more employees shall allow an eligible employee to access up to 40 hours of paid sick time and/or sick leave per year. The district will award sick time and/or leave according to applicable Collective Bargaining Agreements and the employment categories listed below:

Licensed employees will receive one day of paid sick leave (based on FTE or full-time equivalent) per month of anticipated work, front-loaded at the beginning of each school year, with a minimum of 56 hours to be awarded. Said leave is available to use upon award and may be carried over and accumulated without limit. If an employee leaves district employment mid-year, their sick leave award will be prorated for the portion of the year worked. Unused sick leave is transferrable to other school districts after termination and will be reinstated if the employee returns to district employment, except for PERS retirees. In the case of retirement, the sick leave earned but not used at the date of retirement will be reported to PERS and thus considered “used.” If the employee chooses to “work back” for the district, they will begin with a zero leave balance and receive a new leave award based on the above criteria, prorated for the portion of the year remaining. Unused leave from the “work back” period of employment will be forfeited upon termination or at the end of each school year, whichever occurs first.

Classified, confidential, administrative, and supervisory employees will accrue one day of paid sick leave (based on FTE) per month worked with accrual processed at the end of each pay period. Said leave is available to use upon accrual and may be carried over and accumulated without limit. Unused sick leave is transferrable to other school districts, is reportable to PERS upon termination and may be reinstated if the employee returns to district employment except for PERS retirees. In the case of retirement, the sick leave earned but not used at the date of retirement will be reported to PERS and thus considered “used.” If the employee chooses to “work back” for the district, they will begin with a zero leave balance and start accruing leave again based on the above criteria.

Professional coaches who are not volunteers and are not employed by the district in any other FTE position will be front-loaded 40 hours of sick time at the beginning of the sport’s season. Said leave is available to use immediately. Unused sick time will be forfeited at the end of each season or at the end of employment, whichever comes first, and thus will not carry forward to subsequent seasons/years. Unused sick time is not transferrable to other school districts and is not reportable to PERS upon termination.

Temporary and variable hour (non-FTE) employees, such as substitutes, tutors, event workers and special program workers, shall accrue paid sick time at the rate of at least one hour for every 30 hours the employee works or .033 hours per hour worked, with accrual processed at the end of each pay period. Said leave is available to use on the 91st calendar day of employment. Up to 40 hours of accrued sick time may be carried over to the subsequent year, with a maximum accrual of no more than 80 hours and a usage limit of 40 hours per year. Unused sick time is forfeited upon termination but will be reinstated if the employee returns to district employment within 180 days of termination, and days previously worked will be credited toward the 90-day eligibility period for its use. Unused sick time is not transferrable to other school districts and is not reportable to PERS upon termination.

Sick time and/or leave shall be taken in a minimum of quarter hour increments except when a licensed substitute is required, in which case sick leave must be taken in increments of four hours. (Licensed employees required to use said increments will be issued an undue hardship notice.) The sick time/leave 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/leave may also be used in the event of a public health emergency.

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

The district 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 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 will run concurrently.

Nothing in this policy impacts the district's sick leave obligation under Oregon Revised Statute (ORS) 332.507. When the reason for sick time is consistent with ORS 332.507, the sick time and leave pursuant to ORS 332.507 will run concurrently.

If the reason for sick time is a foreseeable absence, the district will require the employee to provide advance notice or 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 make a 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, and mandatory meetings).

If the reason for sick time is unforeseeable, such as an emergency, accident or sudden illness, the employee shall notify the district consistent with the reporting time established by the district or at least 12 hours in advance or as soon as practicable.

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

Sick time/leave will be tracked via the district's timekeeping and payroll systems. Accrual, usage and available balances will be printed on employee pay stubs, which will be available to the employee via the district's self-service portal. For accounting purposes, the district's leave year will match the fiscal year (July 1 through June 30).

END OF POLICY

Legal Reference(s):

[ORS 332.507](#)

[ORS 342.610](#)

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

[ORS 342.545](#)

[ORS 653.601 to -653.661](#)

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