Statewide Policy

SUBJECT: Sick Leave with Pay

NUMBER: 60.000.01

DIVISION: Human Resource Services Division

EFFECTIVE DATE: 04/09/10

APPROVED: Signature on file with Human Resource Services Division

STATEMENT: Sick leave with pay is granted to eligible employees to provide time off from work to tend to the employee’s or a family member’s illness or injury.

AUTHORITY: ORS 173.005; 236.610; 240.145(3); 240.551; 659a.150 – 659a.186; 326.113 [2007 c.119 §1]

APPLICABILITY: All employees subject to ORS 240, State Personnel Relations Law, except employees represented by a collective bargaining agreement.

ATTACHMENTS: None

DEFINITIONS: See State HR Policy 10.000.01 Definitions, and OAR 105-010-0000

POLICY

(1) Accrual Rate

(a) A full-time employee accrues eight hours of sick leave per month.

(b) A part-time employee or a full-time employee on leave without pay accrues sick leave on a pro rata basis. When determining the pro rata accrual of sick leave each month, the agency counts actual time worked and all leave with pay.

(2) Eligibility for and Use of Sick Leave

(a) An employee may use accrued sick leave with pay on or after the first of the month following the month in which it is accrued.

(b) An employee uses paid sick leave to tend to the employee’s own or a family member’s illness, emergency repair of personal assistive devices that are medically necessary for the employee to perform assigned duties, medical or dental care, injury, or death, or any period of absence qualifying as a serious health condition under State HR Policy 60.000.15 Family and Medical Leave.

(c) Family member includes the employee’s spouse or domestic partner, and the following for the employee and his or her spouse or domestic partner:

(A) Parent (includes one who stood in loco parentis (in place of a parent) when the employee was a child)

(B) Child (and spouse) (includes a child whom the employee stood in loco parentis)

(C) Sibling (and spouse)
(D) Grandparent

(E) Grandchild

(F) The above include step, adoptive and foster

(G) Members of the immediate household.

(d) An agency may require medical certification by the employee’s or family member’s medical provider that verifies the need for sick leave. See State HR Policy 60.000.15 Family and Medical Leave and statutes governing Workers’ Compensation for requiring medical certification in those situations.

(3) Transfer of Sick Leave Hours

(a) When an employee laterally transfers, demotes or promotes to another agency or the Oregon University System (OUS), the employee’s unused sick leave hours transfer to the gaining agency.

(b) When legislation causes a state agency to assume the functions of another state agency or Oregon state government entity, an affected employee’s sick leave transfers to the assuming agency if the employee has no more than a 15 day break in service. The sick leave is prorated if the former agency’s accrual rate exceeds eight hours per month. Apply the following formula when the accrual rate exceeds eight hours per month:

\[
\frac{8 \text{ hours}}{\text{Previous Accrual Rate}} \times \text{Sick Leave Balance} = \text{Maximum Sick Leave Assumable}
\]

(c) When an employee of a school district or an education service district leaves the district to become employed by the Department of Education (ODE), the ODE may accept unused sick leave, according to ORS 326.113. The employee may use the transferred sick leave according to this policy.

(d) Upon appointment to the executive branch, unused sick leave hours accrued in an exempt position in the legislative branch are restored if there is no break in service according to ORS 173.005.

(4) Disposition of sick leave accrual upon separation or retirement

(a) An employee receives no compensation for unused sick leave upon separation except as provided in ORS 238.350.

(b) Upon retirement of an employee, the agency reports all of that person’s unused sick leave hours to the Public Employees Retirement System (PERS). PERS considers the unused sick leave to be used as of the effective date of retirement. Sick leave hours are not restored to a PERS retiree who subsequently returns to work.

(5) Restoration of Sick Leave Upon Rehire

(a) Except for PERS retirees, unused sick leave hours are restored to an employee returning to state service within two years of separation.

(b) Unused sick leave hours accrued in an exempt position (other than legislative) or a position with OUS, in a manner comparable to this policy, may be restored upon appointment to a classified unrepresented, management service, or unclassified position if the appointment occurs within two years of separation from the exempt or OUS position.

(c) Unused sick leave hours accrued in an exempt position in the legislative branch are restored according to ORS 173.005.
(6) Coordination with Workers’ Compensation: An employee may choose to use sick leave to equal the difference between the Workers’ Compensation for lost time and the employee’s regular salary rate. In such instances, the agency prorates charges against the employee’s accrued sick leave. An employee who exhausts sick leave may choose to use other accrued leave to equal the difference between Workers’ Compensation for lost time and the employee’s regular salary rate. In such instances the agency prorates charges against the accrued leave. Using leave while receiving time loss benefits is not required.

(7) An employee on leave and receiving short-term disability payments may reserve 40 hours of sick leave. If an employee receives disability payments while on Family and Medical leave refer to State HR Policy 60.000.15 Family and Medical Leave regarding use of paid leave.