



NOTICE TO EMPLOYEE REGARDING HARDSHIP EXCEPTION PERTAINING TO INCREMENTS OF SICK TIME USE

Oregon law requires employers that employ employees in the state of Oregon to implement sick time policies and provide sick time to employees. The full text of the law and administrative rules adopted by the Bureau of Labor and Industries are available at www.oregon.gov/boli (link).

Pursuant to OL Ch. 537, Sec. 7(1)(b), 2015, accrued sick time must be used by employees in hourly increments unless the provision of sick time in hourly increments would impose an undue hardship on the employer, in which case an employer may require that employees use sick time in minimum increments of no more than four hours.

If an employer invokes the undue hardship exception in the sick time law, the employer must notify each employee in writing in the language used by the employer to communicate with the employee regarding what increments of sick time will be used. In addition, employers invoking the undue hardship exception in the law must allow employees to use at least 56 hours of paid leave per year.

“Undue hardship” is based on the difficulty of securing a replacement worker and significant difficulty for an employer’s business and includes consideration of the impracticability of permitting sick time to be taken in hourly increments. Factors to be considered in determining whether the use of sick time in hourly increments imposes an undue hardship on the employer include, but are not limited to:

- The number of persons employed or working at the particular worksite and their qualifications or ability to timely relieve the employee using sick time given the employer’s operations; the total number of persons employed by the employer; and the number, type and geographic separateness of the employer’s worksites; and
- The effect of providing sick time in hourly increments on worksite operations involving: the startup or shutdown of machinery in continuous-operation industrial processes; intermittent and unpredictable workflow not in the control of the employer or employee; the perishable nature of materials used on the job or of crops during harvest; the time-sensitive or high-volume nature of the employer’s operations, if such operations have a direct impact on the public; and the safety and health of other employees, patients, clients or the public.

The employer providing this notice to you is claiming an undue hardship exception under the law. Accordingly, accrued sick time is required to be taken in increments of _____ hours.

To ask questions regarding your entitlement to sick time under the law or to report violations of the law, contact the Bureau of Labor and Industries at 971.673.0761 or email mailb@boli.state.or.us.

Signature of Employee

Date

Printed Name of Employee