



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 oregon.gov/boli/workers/Pages/sick-time.aspx.

Accrued sick time must be used by employees in increments of not more than an hour 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 BOLI_help@boli.oregon.gov.

Signature of Employee

Date

Printed Name of Employee



Template for Quarterly Notification of Sick Time Accrual Required by Oregon's Sick Time Law (ORS 653.601-653.661)

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Pursuant to ORS 653.631, employers are required to provide to each employee written notice of the requirements of the provisions of the law.

In addition, employers are required to provide written notification to each employee at least quarterly of the amount of accrued and unused sick time available for use by the employee. This information may be included on the statement of earnings provided to the employee on regular paydays, or may be provided separately.

The law requires that all required notices to employees be provided in the language the employer typically uses to communicate with the employee.

The information provided in the templates below complies with the notice of sick time accrual provisions.

In each of the examples, the employee worked 16 days in September and used 32 hours for vacation time and 8 hours for sick time. (Although in these examples the employer provides vacation time, the law does not require this. If, however, an employer allows employees to use accrued vacation leave to cover absences for reasons provided under the sick time law, all time available for an employee to use for absences covered by the law should be included in the written notification, including accrued vacation leave.)

Example where both sick time and vacation time are accrued:

Leave Type	Beg Bal 09-01-2021	Accrued	Taken	End Bal 09-30-2021
SICK	24.66	4.27	8.00	20.93
VACATION	110.00	6.67	32.00	84.67

16 days worked X 8 hours/day = 128 hours worked ÷ 30 hours (1 hour of sick time accrued for every 30 hours worked) = 4.27 ST hours accrued and 6.67 hours of vacation time accrued at the rate of 80 hours/year.

Example where both sick time and vacation are "front loaded" annually by the employer:

Leave Type	Beg Bal 09-01-2021	Accrued	Taken	End Bal 09-30-2021
SICK	32.00	0.00	8.00	24.00
VACATION	110.00	0.00	32.00	78.00

Example where employer combines all types of paid time off ("PTO"):

Leave Type	Beg Bal 09-01-2021	Accrued	Taken	End Bal 09-30-2021
PTO	142.00	0.00	40.00	102.00

Note: Employers may adopt policies that limit employees to accruing no more than 80 hours of sick time or using no more than 40 hours of sick time in a year.