

SICK LEAVE: SB454

Information Provided by DAS CHRO

Requires state government to implement paid sick leave. CHRO is developing the policy and partnering with OSPS to develop a process for agency payroll offices. BOLI has published proposed rules. **It is important agencies understand the need for consistent application of the new law across state government.**

There are some outstanding policy decisions yet to be determined. The information below is provided as general guidance and should not be acted upon at this time.

- Effective January 1, 2016
- Generally affects temporary employees
- Accrual is one hour of leave for every 30 hours worked
 - Begins on the first day of employment
- Eligible to use leave on 91st day of employment
 - Those employed as of January 1, 2016 are eligible to use as it accrues (no waiting period).
 - Employer can authorize earlier use
- Exempt employees are presumed to work 40 hours per week
- No cash value at termination
- Restoration if employee rehired within 180 days of separation
 - If employee leaves employment before the 91st day, and is subsequently rehired within 180 days of separation shall have any accrued sick leave restored, may use sick leave when the combined total of employment days exceeds 90 calendar days.
- Employees who transfer or are rehired (within 180 days) by another agency are entitled to use all accrued sick leave.
- Permissible use of sick leave
 - For the employee's mental or physical illness, injury or health condition; need for medical diagnosis or preventative medical care
 - To care for a family member with a mental or physical illness, injury or health condition; need for medical diagnosis or preventative medical care.
 - Parental leave
 - Sick child leave
 - Bereavement leave
 - Domestic violence leave

- Employee Notice
 - Employees must comply with the agency's usual and customary notification procedure
 - If the need for leave is foreseeable, the employee must provide written notice as soon as practicable in advance
 - Employees must make a reasonable effort to schedule the leave so as not to "unduly" disrupt agency operations.
 - If the reason for sick leave is unforeseeable, the employee must provide notice before the start of the employee's shift or as soon as is practicable.
- Verification
 - Employees who use sick leave for more than three consecutive scheduled work days may be required to provide verification from a health provider.
- Required notices
 - Written notification of the amount of accrued and unused sick time available for use by the employee (inclusion as required under ORS 652.610 meets this requirement).
 - Written notice of the requirements of OL Ch. 537, 2015 and BOLI Administrative Rules (BOLI is developing a notice for use by employers)
 - Must be provided to the employee no later than the end of the employer's first pay period after the effective of the law