

SUBJECT: Sick Leave with Pay	NUMBER: 60.000.01
DIVISION: Human Resource Services Division Chief Human Resources Office	EFFECTIVE DATE: 04/09/10
APPROVED: Signature on file <u>with the Chief Human Resources Office</u>	

POLICY

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; 326.113, 659a.150 – 659a.186; 326.113 [2007 c.119-4]; SB 454, 2015 Leg. Session~~

Commented [OB*C1]: Add OAR 839 for use and verification. OAR number in temp rules missing digits.

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

ATTACHMENTS: None

- DEFINITIONS:**
- (1) Employee: A person in a permanent or limited duration position.
 - (2) Immediate Household: A person residing in the employee's primary residence who is not paying room and board.
 - (3) Temporary Employee: Person hired to a temporary non-status appointment (see Temporary Appointments Policy 40.025.01)
 - (4) Three Consecutive Scheduled Workdays: Three consecutive scheduled workdays not including scheduled days off.

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

POLICY

- (1) Employee Accrual Rate
 - (a) A full-time employee accrues eight hours per month up to 96 hours of sick leave per month/year based on the employee's Recognized Service Date (RSD).
 - (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) Employee Eligibility: An employee may use accrued sick leave with pay on or after the first of the month in which it is accrued.

~~(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.~~

(3) Employee Transfer of Sick Leave Hours

(a) When an employee laterally transfers, demotes or promotes to another agency ~~or the Oregon University System (OUS), or university with an independent governing board with whom the agency has an intergovernmental agreement,~~ the employee's unused sick leave hours transfer to the gaining agency. ~~(see Movement of Employee Into the Executive Branch matrix)~~

~~(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:~~

$$\frac{8 \text{ hours}}{\text{Previous Accrual Rate}} \times \text{Sick Leave Balance at Previous Employer} = \text{Maximum Sick Leave Assumable}$$

~~(c)(b)~~ 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) Employee Disposition of ~~s~~Sick ~~l~~Leave ~~a~~Accrual ~~u~~Upon ~~s~~Separation or ~~r~~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). Under the full formula calculation, 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) Employee Restoration of Sick Leave Upon Rehire

(a) Except for PERS Full Formula retirees who sell, unused sick leave hours, all 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~~60 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.

(8) Temporary Employee Accrual Rate

(a) A Temporary employee accrues up to 6.14 hours of sick leave per month.

(b) Temporary part-time employees or temporary full-time employees 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.

(9) Temporary Employee Eligibility

(a) A temporary employee may use accrued sick leave with pay on the 91st day of employment.

(b) A temporary employee may use up to 40 hours of sick leave within the calendar year.

(10) Temporary Employee Transfer of Sick Leave Hours: When a temporary employee transfers to another agency, the temporary employee's unused sick leave hours transfer to the gaining agency (see Movement of Employee into the Executive Branch matrix).

(11) Temporary Employee Disposition of Sick Leave Upon Separation: A temporary employee receives no compensation of unused sick leave upon separation.

(12) Temporary Employee Restoration of Sick Leave Upon Rehire: Except for PERS Full-Formula retirees who elect to sell accrued sick leave, unused sick leave hours are restored to temporary employees returning to state service within 180 days of separation.

(13) Permissible Use of Sick Leave

(a) An employee ~~and temporary employee~~ uses paid sick leave ~~to tend to~~for any of the following:

(A) ~~the~~For ~~an~~ employee's ~~an~~ employee's mental or physical illness, injury or health condition; need for medical diagnosis, care or treatment of a mental for or physical illness, injury or health condition; or need for preventive medical care.

(B) ~~own or~~For care of a family member's with a mental or physical illness, injury or health condition; care of a family member who needs medical diagnosis, care or treatment of a mental or physical illness, injury or health condition; or care of a family member who needs preventive medical care.

(C) ~~For~~ emergency repair of personal assistive devices that are medically necessary for the employee to perform assigned duties, ~~medical or~~

(D) dental care; ~~or, injury, or death,~~

(E) ~~or a~~Any period of absence qualifying as a serious health condition under State HR Policy 60.000.15 Family and Medical Leave.

(F) For purposes specified in ORS 659A.159. See Family & Medical Leave Policy 60.000.15.

(A)(G) For purposes specified in ORS 659A.272. See Statutorily Required Leaves With and Without Pay Policy 60.000.12.

(b) 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.

~~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.~~

(14) Requesting Sick Leave

- (a) Agencies may require an employee and a temporary employee to comply with the agency's usual and customary notice and procedural requirements for requesting sick leave
- (b) If the need to use sick leave is foreseeable, an employee and temporary employee shall make a request to the agency at least 10 days in advance.
- (c) If the need to use sick leave is unforeseeable, an employee and a temporary employee shall provide notice to the agency as soon as practicable.
- (d) Employees and temporary employees shall make a reasonable effort to schedule the use of sick leave so as not to unduly disrupt agency operations.
- (e) Agencies may require medical certification by the employee's or family member's medical provider verifying 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.

(15) Verification: Employees who use sick leave for more than three consecutive scheduled workdays for a purpose provided in this policy may be required to provide verification from a health care provider.

(16) 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