

**Employer Announcement 96:
Senate Bill 454 “Sick Time” and the PERS Unused Sick Leave Program.
(Updated with FAQs 1/19/2016)**

Senate Bill 454, approved during the 2015 legislative session, requires a minimum provision of “sick time” for certain employees of non-Federal government public and private employers in the state of Oregon, effective January 1, 2016.

The Unused Sick Leave Program in ORS 238.350 only applies to Tier One and Tier Two members who work in qualifying positions of employers who choose to participate in the program. PERS has determined that “sick time” as provided in SB 454 does not constitute “sick leave” for purposes of ORS 238.350, and therefore should not impact the accrual rates for the Chapter 238 Accumulated Unused Sick Leave Program. At the September 25, 2015 PERS Board meeting PERS proposed amendments to Oregon Administrative Rule 459-011-0500, to clarify this position. The proposed amendments were adopted and became effective November 20, 2015.

FAQs:

Q1) Does SB 454 “Sick Time” legislation affect the PERS “Sick Leave” program outlined in ORS 238.350?

A1) No. The PERS “Sick Leave” program is not affected by SB 454.

Q2) Should “sick time” be reported to PERS when employees terminate PERS positions?

A2) No. Tier One/Tier Two members terminating employment in qualifying positions with employers participating in the PERS sick leave program would have unused sick leave hours calculated and reported as described in Employer Announcement #88, found through this link: https://www.oregon.gov/pers/EMP/docs/er_announcement/2014/er_announcement_88.pdf

Unused sick leave hours are not used in calculation of an OPSRP Pension benefit, so employers may report “0” unused sick leave hours for OPSRP members terminating employment in qualifying positions.

Unused sick leave doesn’t need to be reported if an employee terminates a non-qualifying position. However, if a position becomes qualifying by total service time in any calendar year, unused sick leave may be requested for Tier One/Tier Two employees.

Q3) Can unused sick time be combined with unused sick leave when transferring sick leave between employers?

A3) No. PERS will accept unused sick leave hours reported by employers as outlined in Employer Announcement #88.

Q4) Can unused sick time be combined with unused sick leave when determining any reinstated sick leave to be reported?

A4) No. PERS will accept reinstated sick leave hours reported by employers as outlined in Employer Announcement # 88.

Please contact your PERS Employer Account Team representative or e-mail: pers-employer.info.services@pers.state.or.us with questions on this topic.

DRAFT

Reminder: Please check the Average Overtime Hours information for your employees.

The Average Overtime Hours entry on the DTL1 Member Demographics record represents the average overtime in any calendar year expected from those in specific positions with an employer (teacher, firefighter, receptionist, payroll specialist, etc.). **This value controls how much overtime money paid in any calendar year can be used in calculation of an OPSRP member retirement benefit. Incorrect coding of this benefit can significantly “short change” the amount of overtime money paid to an OPSRP employee in any calendar and used in benefit calculation, greatly affecting the individual’s retirement benefit.**

You may find the recorded Average Overtime Hours value for any of your employees using this procedure:

- 1) In the Site Navigation of any EDX page, click the “View Employee Info.” link.
- 2) When the Search screen appears, enter the employee’s last name or Social Security Number or PERS ID, and click “Search”.
- 3) The “Employee Employment History Details” screen will appear. The recorded Average Overtime Hours value for this member is located on this screen.

OR...

Through your ESC Account Team Representative you may request a list of all your active employees which will include the Average Overtime Hours value currently coded for each of those employees.

You may find your ESC Account Team representative through the “Find Your ESC Account Team” link, under the “Employer Resources” heading, on the PERS employer web page:

www.oregon.gov/pers/emp/pages/index.aspx