



OREGON SICK LEAVE

FAST FACTS TIP SHEET

OVERVIEW

As of January 1, 2016, all Oregon employers must offer protected sick time. Employers operating in Portland who have 6 or more employees, and those operating elsewhere with 10 or more employees, must offer paid leave.

Employers in Portland with 5 or fewer employees, and employers elsewhere in the state who have 9 or fewer employees, may offer unpaid instead of paid sick time.



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BASICS

Covered employees: All of them! Part-time, temporary, and seasonal employees are all eligible. The only employees who don't need to earn time are those covered by a bona fide collective bargaining agreement.

Rate: Unless you frontload time at the beginning of each benefit year, employees will earn 1 hour of paid sick leave for every 30 hours they work.

Accrual: Employees may earn up to 40 hours per year, and have up to 80 hours total in their sick leave bank.

Use: Employees may use any time accrued on their 91st day of employment. Their total yearly usage may be capped at 40 hours.

Rollover (3 options):

1. All unused time rolls over up to an 80-hour accrual cap.
2. The employer pays the employee for unused time and restarts hour-by-hour accrual at 0 in the new benefit year.
3. When 40 new hours are frontloaded at the beginning of the benefit year, unused time may be forfeit rather than paid out or rolled over.

What it can be used for:

- » Diagnosis, care, or treatment of an existing physical or mental health condition, including pregnancy, for the employee or their family member
- » Preventative care for the employee or their family member
- » Dealing with domestic violence affecting the employee or their minor child or dependent
- » Any purpose allowed by OFLA, whether or not the employee or employer is covered by OFLA
- » A public health emergency

IMPORTANT DETAILS

- » Asking for a doctor's note: If an employee misses more than 3 consecutive work days, you may ask for reasonable documentation from a health care provider. However, you'll be responsible for any costs associated with getting the note.
- » Employees must be allowed to use sick leave in increments as small as one hour.
- » You may not require employees to find their own replacement when using sick leave.
- » You may not request details about the need for leave, e.g., the nature of the illness or violence.
- » Giving employees money instead of sick time is not allowed, except when using option #2 for rollover.
- » Employees who are rehired within 180 days must have any previously accrued but unused sick leave restored, unless you paid them for it at termination.

TIPS

- » You don't have to pay employees for tips or commissions they missed out on while absent.
- » Frontloading 40 hours for each employee is not advisable if you have lots of part-time employees, as it will likely cost more than the accrual method.
- » Paid time off plans that are at least as generous as the sick leave law are acceptable, so long as they follow the same rules of administration.
- » Be careful not to draft or enforce policies that discourage the use of sick leave!
- » Give employees proper notice by handing out or posting this notice: <http://www.oregon.gov/boli/WHD/OST/Documents/Sick-Time-Poster.pdf>.