



## NOTICE TO EMPLOYERS AND EMPLOYEES



The Protected Sick Time Ordinance approved by the Portland City Council in 2013 ensures that all eligible persons working in the City of Portland earn sick time to use when they or a family member are sick, injured, or need preventive health care. The ordinance is intended to mitigate the spread of disease and to allow employees to care for themselves and family members, making Portland a healthier, more productive community.

### WHEN MAY AN EMPLOYEE TAKE SICK TIME?

- ▶ **Effective January 1, 2014**, an employee becomes eligible to use sick time when the employee has been employed by an employer for 90 days and has worked for the employer within the geographic boundaries of the City for at least 240 hours
- ▶ **Employees may take sick time for the following reasons:**
  - **Diagnosis, care, or treatment of the employee, or the employee's covered family member** for mental or physical illness, injury or health condition including, but not limited to, pregnancy, childbirth, post-partum care, and preventive medical care.
  - **The employee, their child or dependent is a victim of domestic violence, harassment, sexual assault, or stalking**
  - **Closure of the employee's place of business**, or the employee's child's school or place of care, by order of a public official due to a public health emergency
  - **Care for a covered family member** when it has been determined by a public health authority or by a health care provider that the family member's presence in the community would jeopardize the health of others
  - **Employer exclusion of an employee from the workplace for health reasons** per any law or regulation that requires such exclusion

### HOW MUCH SICK TIME MAY BE USED IN A YEAR?

- ▶ **An employee may earn** up to 40 hours of sick time per leave year unless allowed more by the employer.
- ▶ **An employee may use accrued sick time:**
  - To cover all or part of a shift
  - In increments of one hour, unless a lesser time is allowed by the employer or it is physically impossible for the employee to begin or end work part way through a shift
  - Up to a maximum of 40 hours per leave year, unless otherwise allowed by the employer or provided by law
- ▶ An employee absent from work for a qualifying reason shall use accrued sick time on the first day and each subsequent day of absence until all accrued time has been used.
- ▶ **An employee is not required to be allowed to use sick time:**
  - If the employee is not scheduled to work in the City during the shift for which leave is requested
  - During the first 90 calendar days of employment, unless the employer allows use at an earlier time

### WHEN IS SICK TIME PAID OR UNPAID?

- ▶ **Medium to large size employers** with a minimum of six employees shall provide employees with a minimum of one hour of PAID sick time for every 30 hours of work performed by the employee within the geographic boundaries of the City of Portland.
- ▶ **Small employers** with a maximum of five employees shall provide employees with a minimum of one hour of UNPAID sick time for every 30 hours of work performed by the employee within the geographic boundaries of the City of Portland

### WHAT NOTICE IS REQUIRED?

- ▶ Employees are required to notify their employer of the need to use sick time by means of the employer's established policy or standard before the start of the employees' scheduled work shift or as soon as practicable
- ▶ For absences of more than three consecutive days, an employer may require reasonable documentation, including one of the following:
  - Documentation signed by a licensed health care provider;
  - Documentation for victims of domestic violence, harassment, sexual assault, or stalking; or
  - A signed personal statement that the sick leave was for a qualifying reason

### EMPLOYEE RIGHTS WHEN TAKING SICK TIME

- ▶ If an employer requires documentation of the purpose for the use of sick time, the employer must pay the cost of any verification by the health care provider that is not covered by insurance
- ▶ An employer may not require an employee to:
  - Search for or find a replacement worker as a condition of the use of sick time
  - Work an alternate shift to make up for the use of sick time.
- ▶ If the employer allows shift trading and an appropriate shift is available, the employer may allow the employee to trade shifts instead of using sick time
- ▶ It shall be unlawful for an employer to:
  - Interfere with, restrain or deny the exercise of or the attempt to exercise the right to sick time
  - Take retaliatory personnel action or discriminate against an employee because the employee has exercised the right to protected sick time
  - Use an absence control policy to count earned sick time as an absence that may lead to or result in adverse employment action against the employee

**More Information:** ▶ **BOLI** [www.oregon.gov/boli](http://www.oregon.gov/boli)  
▶ **City of Portland:** [www.portlandoregon.gov/sicktime](http://www.portlandoregon.gov/sicktime), 503-823-3994

Employers of employees working in the City of Portland: This ordinance requires you to provide written notice to your employees, detailing their rights under the ordinance. You may also comply by posting this notice in a conspicuous and accessible place in each establishment where your employees work.