

Sick Leave – Oregon Senate Bill 454

Senate Bill 454 requires employers to provide sick leave to employees based on hours worked, and prohibits discrimination and retaliation based on an employee's use of sick leave. Further, the bill preempts Eugene's sick leave ordinance. The law will go into effect on January 1, 2016.

Which Employees Are Covered?

- Applies to all employees, including part-time, seasonal and temporary employees
- Includes all government employees except federal employees
- Does not apply to employees who are covered by a collective bargaining agreement or employed through a hiring hall or similar system

Is Leave Paid Or Unpaid?

- Employers with ten or more employees are required to provide paid leave
- Employers with less than ten employees are required to provide unpaid leave
- Portland employers with at least six employees must provide paid leave

What Leave Purposes Are Covered?

- Minor illnesses, reasons allowed under Oregon Family Leave Act ("OFLA"), preventative medical care, domestic violence, sexual assault, stalking, criminal harassment, health-related school or business closures
- Family members are those designated under OFLA

How Much Leave Accrues?

- Accrual rate is one hour earned for every 30 hours worked
- Exempt employees are assumed to work 40 hours per week unless actual workweek is less
- Employees begin accruing leave on first day of employment
- Maximum leave allowed per year: 40 hours; can carry over up to 40 hours

When Can Leave Be Used?

- Existing employees can begin using leave upon accrual; new employees can begin using leave on 91st day of employment
- Employers can require employees to follow call-in procedures and mandate some advance notice if need for sick leave is foreseeable
- Employees may work additional shifts or trade shifts, but employers cannot require employee to do so

Other Issues:

- Allows for PTO policy instead of sick leave so long as PTO policy is at least as generous as SB 454
- Allows front loading of leave to avoid bookkeeping obligations
- Allows for donation of sick leave if employer has a leave donation policy
- Employer can, but is not required to, cash out accrued sick leave upon termination
- Employers are required to post notices and provide quarterly reporting of accrual and usage of sick leave
- Employers may not obtain documentation about the absence until employee has missed three consecutive work days
 - An exception applies if the employer suspects abuse
- Accrued leave transfers to successor employer
- Employers are prohibited from denying, interfering with, failing to pay for or retaliating for using sick leave
- Employees have a private right of action