



CITY OF

## PORTLAND, OREGON



**To:** All Employees Working within the City of Portland

**Date:** \_\_\_\_\_

**Subject:** Protected Sick Time Law to Take Effect January 1, 2014

As an employee working within the City of Portland, you are receiving this notice to provide additional information on the City's Protected Sick Time ordinance.

**Effective January 1, 2014**, an employee becomes eligible to use Sick Time when he/she 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. In general, employers will be required to allow full and part-time employees to earn, paid sick time (for employers with six or more employees) and in some cases unpaid sick time (for employers with five or fewer employees), up to a minimum of 40 hours per year.

Employees are allowed to take earned sick time for qualifying absences listed here:

- **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 an employee's place of business**, or an 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

### **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 an employee to begin/end work part way through a shift
- For a maximum of 40 hours of 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 hours on the first day and each subsequent day of absence until all accrued time has been used



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**An Employee May Not Use Sick Time:**

- If the employee is not scheduled to work in the City on the shift for which sick time is requested
- During the first 90 calendar days of 2014 or the first 90 days of employment, unless the employer allows use at an earlier time

**Shift Trading:**

If an employer allows shift trading and an appropriate shift is available, an employer may allow an employee to trade shifts instead of using sick time

**It Shall be Unlawful for an Employer to:**

- Require employees to search for or find a replacement worker as a condition of the use of sick time
- Require employees to work an alternate shift to make up for sick time used
- Interfere with, restrain or deny the exercise of or the attempt to exercise the right to protected sick time
- Take retaliatory personnel action or discriminate against an employee because one 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

Employees shall 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.

See your employer's policy listed here (may be attached as an additional sheet):

For absences of more than 3 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 time was for a qualifying reason

If an employer requires documentation of the purpose for the use of sick time, the employer shall pay the cost of any verification by a health care provider that is not covered by insurance.

For additional information, please visit: [www.portlandoregon.gov/sicktime](http://www.portlandoregon.gov/sicktime)