

**ROGUE COMMUNITY COLLEGE
GENERAL INFORMATION AND
ADMINISTRATIVE PROCEDURES**

Procedure: OREGON SICK LEAVE (AP-019)

Contact: Director of Human Resources and Risk Management, Ext. 7017

1. INTRODUCTION

Senate Bill 454 (SB 454) requires employers with at least ten employees to provide paid sick time to employees for the purpose of caring for personal or a family member's mental or physical illness, injury, or health condition or for preventative medical care. Additionally, leave for the purpose of providing care to new family members, grieving a family member's death, or handling matters related to domestic violence, sexual assault, or stalking qualify for paid sick leave. Under this measure, employees accrue one hour of sick leave for every 30 hours worked. Employers may require medical verification of the need for sick leave under certain circumstances. SB 454 also requires employees to give advance notice of intent to use sick leave under certain circumstances. The measure also prohibits discrimination against employees who inquire about or use sick leave. Finally, SB 454 classifies any violation of sick leave provisions as an unlawful practice under the jurisdiction of the Bureau of Labor and Industries (BOLI) and allows for both equitable and compensatory relief.

2. POLICY STATEMENT

Pursuant to the provisions of SB 454, the College shall establish and maintain systems for the tracking and use of sick leave for covered employees not otherwise accumulating sufficient sick leave under an employment contract or collective bargaining agreement.

3. ACCRUAL

A. Accrual of Leave: Effective January 1, 2016, employees shall accrue one hour of sick leave for every 30 hours worked, up to a maximum of 80 hours of accrued leave. Leave begins to accrue on the employee's first day of work.

B. Reinstatement of Prior Accruals: Previously accrued unused sick time shall be restored to an employee who is reemployed within 180 days of separation from employment. If an employee leaves employment before the 91st day of employment and subsequently is reemployed within 180 days of separation, the employee's accrued leave balance the employee had when the employee left employment shall be restored after the combined total of days of employment exceeds 90 days.

C. Separation from Employment: Employees are not entitled to be paid for earned but unused sick time, either before or when their employment is terminated for any reason.

D. Donated Leave: Donating accumulated leave to another employee is not allowable.

4. ELIGIBILITY

A. Wait Period: Workers hired on or after January 1, 2016 may use accrued leave beginning on their 91st day of employment. Those hired prior to January 1, 2016 are immediately eligible to accrue and use leave (as it accrues), beginning on January 1.

B. Permissible Use of Leave:

Sick leave may be used for the following purposes:

1. For the employee's mental or physical illness, injury or health condition; need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition; or need for preventive medical care.
2. For care of a family member with a mental or physical illness, injury or health conditions; care of a family member who needs medical diagnosis, care or treatment of a mental or physical illness, injury or health condition; or care of a family member who needs preventive medical care.
3. To care for an infant or newly adopted child under 18, or for a newly placed foster child under 18, or for a child over 18 if the child is incapable of self-care because of mental or physical disability.
4. To care for a family member with a serious health condition.
5. To recover from or seek treatment for a serious health condition that renders the employee unable to perform at least one of the essential functions of the employee's job
6. To care for a child of the employee who is suffering from a non-serious illness, injury, or condition.
7. To deal with the death of a family member by attending the funeral or alternative, making arrangements necessitated by the death of a family member, or grieving the death of a family member to be used within 60 days of the date on which the eligible employee receives notice of death of family member.
8. To seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's minor child or dependent for proceedings related to domestic violence, harassment, sexual assault, or stalking.
9. To seek medical treatment, recover from injuries, or obtain services related to domestic violence, sexual assault, harassment or stalking incidents to the employee or employee's minor child or dependent.
10. Other eligible absences as defined by Oregon Administrative Rule (OAR) 839-007-0020.

For the purpose of this sick leave policy, “family member” is defined as the employee’s spouse, same-gender domestic partner, custodial parent, non-custodial parent, adoptive parent, foster parent, biological parent, stepparent, parent-in-law, a parent of an employee’s same gender-domestic partner, an employee’s grandparent or grandchild, or a person with whom the employee is or was in a relationship of in local parentis. It also includes the employee’s biological, adopted, foster child or stepchild or the child of the employee’s same-gender domestic partner.

5. LEAVE USAGE

A. Increments in Which Leave May be Taken: Leave may be taken in one hour increments unless allowing use in one hour increments would pose an undue hardship to the College as defined in OAR 839-007-0000(6). In which case, an employee may be required to take leave in four hour increments.

In the event leave is not allowed to be taken in hourly increments due to an undue hardship, the requirement shall apply to all similarly situated employees. In addition, each employee must be provided a notice provided by the BOLI Commissioner regarding what increments of sick leave will be used. The College shall retain and keep available to BOLI a copy of the notice for the duration of the employee’s employment for no less than six months after the termination date of the employee.

B. Limitations: Employees shall not be required to search for or find a replacement worker as a condition of the employee’s use of accrued sick time. By mutual consent, employees may work an alternate shift to make up for missed time.

6. NOTICE, VERIFICATION, AND CERTIFICATION FOR LEAVE TIME USE

A. Notice of Intent to Take Leave: Employees are to follow usual and customary written notice and procedure requirements established by the College for requesting time off for foreseeable absences. Such requirements may include notice by a reasonable time and by reasonable means including but not limited to calling a designated telephone number, applying a uniform call-in procedure or by using another means of communication accessible to the employee.

If the reason for sick time is a foreseeable absence, such as a pre-scheduled medical appointment, employees may be required to provide advance notice of their intention to use sick time, not to exceed ten (10) days prior to the date the sick time is to begin or as soon as practicable, but in no case may an employee be required to provide such notice more than ten (10) calendar days prior to the date sick time is to begin.

When an employee uses sick time for a foreseeable absence, the employee shall make a reasonable effort to schedule the sick time in a manner that does not unduly disrupt college operations. For example, the employee should make a reasonable attempt not to schedule medical appointments during peak business hours, when work is time-sensitive or when mandatory meetings are scheduled.

The employee shall inform their supervisor of any change in the expected duration of the sick time as soon as is practicable.

If the reason for sick time is unforeseeable, such as an emergency, accident, or sudden illness, the employee shall provide notice before the start of the employee's shift or, when circumstances prevent the employee from providing notice before the start of the employee's shift, as soon as is practicable. In all cases, whether and when an employee can practicably provide notice depends upon the individual facts and circumstances of the situation.

B. Verification and Certification for Sick Time Use: The College may require the employee to provide verification of the need for the sick time, as permitted by the regulation, when an employee uses sick time for more than three (3) consecutive scheduled workdays or when the need for sick time is foreseeable and projected to last more than three (3) scheduled workdays. The College may require that verification or certification be provided before the sick time commences or as soon as otherwise practicable.

If an employee is suspected of abusing sick time, including engaging in a pattern of abuse, the College may require verification from a health care provider of the need of the employee to use sick time, regardless of whether the employee has used sick time for more than three (3) consecutive days. "Pattern of abuse" includes, but is not limited to, repeated use of unscheduled sick time on or adjacent to weekends, holidays, vacation days, or paydays.

7. REQUIRED EMPLOYER NOTICES

The required written notification will be provided as follows:

- 1. Employee Accrued and Unused Sick Time:** The College will provide written notification, at least quarterly, to each employee of the amount of accrued and unused sick time available for use by the employee. The College shall comply with the written notification requirements by providing the requisite information on the employee's monthly pay stub.
- 2. Notice of the Requirements of OL Ch. 537, 2015 and Rules Promulgated by BOLI:** The College will distribute notices provided by BOLI to employees no later than the end of the first pay period of employment after the effective date of OL Ch. 537, 2015. Or, for employees hired after the effective date, no later than the end of the first pay period of employment. Notices will be distributed to each employee by including it with the monthly paycheck or by incorporating the written notice into a material made available to newly hired employees at orientation.