

# Protected Sick Leave Standards for Portland Businesses

Second Public Hearing  
On

Sick Leave Code & Ordinance



# Overview of Protected Sick Leave

- Establish Minimum Public Health Standards in the Workplace. Working while sick is a public health issue.
- Working while sick affects individual and collective productivity in our workforce.
- Prevent spread of disease throughout our schools. Sick children compromise the health of other families and ultimately the work place.

# Amendments to Proposed Code

- **Definition Section 9.01.020**
- “Hiring Hall” Deleted
- “Employee” Clarified the Meaning per state ORS
- “Employee” Clarified the exemptions
- “PTO” Clarified the Meaning of Paid Time Off

# Amendments to Proposed Code

## Accrual of Sick Time (9.01.030)

- (A) Excluding Employees who are paid by piece rate or commission with no base wage,
- (C) Employees who are paid base wage plus piece rate, tips, or commission shall accrue Sick Leave based on the base wage.
- (F) Employees, who travel to the City and make a stop as a purpose of conducting their work, are covered

# Amendments to Proposed Code

## Accrual of Sick Time (9.01.030)

- (H) ..... **An Employer is not required to allow an Employee to carry over accrued hours in excess of 40 hours.**
- (M) Sick Time will begin to accrue for Employees who are employed on the date this ordinance takes effect on the effective date. **New Employees shall begin accruing Sick Time on commencement of employment**

# Amendments to Proposed Code

## Use of Sick Time (9.01.040)

### (B) An Employee may use Sick Time:

- In increments of one hour, unless a lesser time is allowed by the Employer.
- To Cover all or part of a shift .

### (C) An Employee may not use Sick Time:

- If the Employee is not scheduled to work in the City on the shift for which leave is requested.
- During the first 90 calendar days of employment, unless the Employer allows use at an earlier time.

# Amendments to Proposed Code

## Use of Sick Time (9.01.040)

- (E) **An Employer may not require the Employee to:**
  1. Search for or find a replacement worker as a condition of the Employee's use of Sick Time.
  2. **Work an alternate shift to make up for the use of Sick Time.**
  
- (F) **If the Employer allows shift trading, and if an appropriate shift is available,** then the Employer shall allow the Employee to trade shifts instead of using Sick Time.
  
- (G) Employers shall establish a **written policy or standard** for an Employee to notify the Employer of the Employee's use of Sick Time, whether by calling a designated phone number **or by using another reasonable and accessible means of communication identified by the Employer ....**
  
- (H) The Employee shall notify the 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. ....

# Amendments to Proposed Code

## Use of Sick Time (9.01.040)

- (J) For absences of more than 3 consecutive days Employer may require reasonable documentation... from Provider, ..Personal statement ... or **Documentation for domestic violence, harassment, sexual assault or stalking as provided in ORS 659A.280 (4),**

## Exercise of Rights Protected; Retaliation Prohibited (9.01.050)

- (D) **It shall be a violation for an Employer's absence control policy to count earned Sick Leave covered under this Chapter as an absence that may lead to or result in an adverse employment action against the Employee.**



# Amendments to Proposed Code

## Notice and Posting - 9.01.060

- (A) Employers shall **provide** and post notice of Employee rights under this Chapter. The notice shall be in English and other languages used ...
- (B) ... **providing Employees with annual written notice and notice upon commencement of employment, ....**
- (D) **Fines shall not be assessed against any Employer who mistakenly, but in good faith, violates this Section**

# Amendments to Proposed Code

## Employer Records (9.01.070)

- Employers shall retain records documenting hours worked and Sick Time **accrued and used** by Employees, for a period of at least two years as required by ORS 653.045(1). Employers shall allow access to such records  
....

## Enforcement –(9.01.090)

- (C)..., any person claiming to be aggrieved by an unlawful employment practice under this Chapter may file a complaint with BOLI under procedures established under ORS ..., or such other procedures as BOLI or the City may establish for taking complaints **which may include options for resolution of complaints through such means as mediation.**
- **Certification of Compliance (9.01.110)**

# Earned Sick Leave

- Establishing Minimum Public Health Standards
- Increasing individual and collective productivity in our workforce.
- Preventing the spread of disease throughout our schools and community.