

### **Sick Time<sup>1</sup>**

“Employee” means an individual who is employed by the district and who is paid on an hourly, stipend or salary basis, and for whom withholding is required under Oregon Revised Statute (ORS) 316.162-316.221, such as a substitute, coach, or student worker. The definition does not include volunteers, independent contractors, or those employees already covered by negotiated agreements.

Employees qualify to begin earning and accruing sick time on the first day of employment with the district. Employees may begin using their sick time once they have completed 90 calendar days of employment. There is a 180 day window of time after the employee last works for the district to retain eligibility, accrual, and balance of sick time. Paid sick time shall accrue at the rate of one hour of paid sick time for every 30 hours the employee works.

The employee may carry up to 40 hours of unused sick time from one year to the subsequent year. An employee is limited to using no more than 40 hours of sick time in a year.

The sick time year is defined as July-June.

Sick time shall be taken in hourly increments and may be used for the employee’s or a family member’s<sup>2</sup> 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 preventative care, or for reasons consistent with the Family Medical Leave Act (FMLA) or Oregon Family Leave Act (OFLA). Sick time may also be used in the event of a public health emergency.

Sick time may be used only if the employee has been scheduled to work, not at the time of an offer to work is presented.

The use of sick time may not lead to, or result in, an adverse employment action against the employee.

The district reserves the right, after three consecutive days of absence, to require proof of personal illness or injury from an employee, including a medical examination by a physician chosen and paid for by the district. An employee refusing to submit to such an examination or to provide other evidence as required by the district, shall be subject to appropriate disciplinary action, up to and including dismissal.

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<sup>1</sup>Sick Time is not the same as Sick Leave and applies only to specific employee sub-groups.

<sup>2</sup>“Family member” is defined by the Oregon Family Leave Act (OFLA).

When the reason for sick time is consistent with FMLA/OFLA leave, the sick time and the FMLA/OFLA leave may run concurrently.

When the reason for sick time is consistent with ORS 332.507, the sick time and leave pursuant to ORS 332.507 may run concurrently.

If the reason for sick time is a foreseeable absence, the district may require the employee to provide advance notice of their intention to use sick time within 10 days of the requested sick time, or as soon as practicable. When the employee uses sick time for a foreseeable absence, the employee shall take reasonable effort to schedule the sick time in a manner that does not unduly disrupt the operations of the district (e.g., grading deadlines, inservice training, mandatory meetings).

If the reason for sick time is unforeseeable, such as an emergency, accident or sudden illness, the employee shall notify the district as soon as practicable.

The district shall establish a standard process to track the eligibility for sick time of an employee.

END OF POLICY

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Legal References:

ORS 332.507

ORS 342.545

ORS 342.610

ORS 659A.150 to -659A.186

SB 454 (2015)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12231; 29 c.f.r. Part 1630 (2006); 28 C.F.R. Part 35 (2006).

Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601-2654 (2006); Family and Medical Leave Act of 1993, 29 C.F.R. Part 825 (2006).

Americans with Disabilities Act Amendments Act of 2008.