



**Administrative Regulation**

**Sick Leave**

|                        |                 |
|------------------------|-----------------|
| <b>Policy #</b>        | 03-02.04        |
| <b>Effective Date:</b> | June 4, 2019    |
| <b>Revision Date:</b>  | June 23, 2019   |
| <b>Owner:</b>          | Human Resources |

**Purpose:**

Paid sick leave provides continuity of income to employee(s) in the event of qualifying personal injuries and illnesses or for family illnesses that prevents the employee from working their regularly paid hours.

**Scope:**

City of Springfield employees, including temporary and unbudgeted employees, who are not on the PTO plan, are eligible to accrue paid sick leave.

**Policy:**

The City provides paid sick leave when employees are unable to perform employment duties for the following reasons:

- An employee’s personal mental or physical illness, including pregnancy, childbirth and routine medical and dental appointments,
- To care for a family member with mental or physical illness, injury or health condition; care for 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 for preventative medical care.
- Any leave covered under the Oregon Family Leave Act.
- When law requires an employer to exclude an employee from work for health reasons.
- When the City or an employee’s child’s school (or place of care), closes for a public health emergency.
- Absences related to domestic violence, harassment, sexual assault or stalking.

Health information about an employee or an employee’s family member will be treated as confidential to the extent provided by law.

**Procedure:**

1. Notification. Employees shall notify their supervisor of an unexpected need to be absent at least thirty minutes prior to the start of their work day or shift or in accordance with department procedures.
2. Coding of Sick Leave
  - 2.1. The first 40 hours of time coded per year that qualifies under the Oregon Sick Time law, including any leave used for FMLA/OFLA qualifying absences or any leave accruals other than sick leave coded for qualifying absences, will apply to Oregon Sick Time.
  - 2.2. Employees should code the same number of sick hours as they would have worked that day, typically not to exceed their normal work week.
    - 2.2.1. Employees receiving Short-Term Disability benefits may request to use accrued leave hours to supplement either 20 or 40% of their normal daily scheduled hours.
    - 2.2.2. Employee's receiving Long Term Disability benefits are required to use accrued leave hours to supplement 40% of their normal daily scheduled hours.
  - 2.3. Employees should not code sick leave for any injury or illness that is compensable under workers' compensation, unless the employee is receiving time loss benefits and chooses to make up the difference between time loss and their regular base wage.
3. Use of Sick Leave
  - 3.1. Sick leave may not be used in less than 15 minutes increments (.25 hours on time card).
  - 3.2. Oregon Sick Time and Family and Medical Leave (FMLA and/or OFLA) may run concurrently. There is no restriction on the amount of leave taken as long as Oregon Sick Time, FMLA or OFLA is available to use.
  - 3.3. If, during scheduled vacation leave an employee is ill, they may take sick leave in lieu of vacation time, upon approval of their supervisor or designee. The employee may be required to show proof of illness with a doctor's certificate.
4. Supporting Evidence for the Use of Sick Leave
  - 4.1. For time off protected under Oregon Sick Time, verification of illness by a doctor's certification may be required after the employee has been absent for three consecutive scheduled work shifts.
  - 4.2. For situations not covered under Oregon Sick Time, verification of illness by a doctor's certification may be required by the employee's supervisor prior to authorizing sick leave.

4.3. An employee must provide acceptable evidence or medical certification within 15 days of the request. If the employee is unable to provide evidence, despite the employee's diligent, good faith efforts, they must provide it within a reasonable period of time, but no later than 30 calendar days after the request. If the employee fails to provide the required evidence within the specified period, the request for the use of sick leave will be denied.

5. Return to Work

5.1. An employee is required to provide a release from their attending physician before returning to work if an employee has:

5.1.1. a physical or mental condition which may impair the employee's ability to perform the regular duties of their job,

5.1.2. been out of the workplace for more than 14 calendar days as a result of an illness or injury, or

5.1.3. been out on protected leave for their own health condition.

5.2. An employee will be allowed to return to work if the release certifies that the employee is able to perform the essential functions of the position with or without a reasonable accommodation.

6. Cost of Medical Verification. The City will pay the cost of any verification by the health care provider that is not covered by insurance or another benefit plan.

7. Accrual of Sick Leave

7.1. Regular, full-time employees accrue biweekly at 3.693 hours per pay period, not to exceed 96 hours of sick leave per calendar year. Part-time employees accrue sick leave on a prorated basis on regular hours worked. Overtime hours are not considered in the determination of sick leave accrual.

7.2. Temporary and unbudgeted employees accrue sick leave beginning on their first day at a rate of one (1) hour for every thirty (30) hours of work, or 0.033 hours per hour worked.

7.3. Maximum accumulation is 960 hours. Maximum accumulation is unlimited for individuals who assumed management or supervisory positions on or before October 1, 2016.

7.4. Employees do not accrue sick leave during unprotected, unpaid leaves of absence. Accruals will be prorated based on paid hours during the pay period.

7.5. When an employee is transferred or is appointed to another department, sick leave balances shall be accepted by the new department.

## 8. Exhaustion of Sick Leave

8.1. When the illness, injury, or disability of an employee continues beyond the period of accumulated sick leave, the employee shall use any other accumulated paid leaves for continued absences.

8.2. When an employee exhausts all accumulated leaves, they may be placed on an unpaid leave of absence, if requested and it's deemed as a reasonable accommodation.

9. Sick Leave Retirement Benefit. Employees who retire under PERS and who are eligible for the PERS sick-leave program will have their unused sick-leave balance reported to PERS at the time of retirement in accordance with ORS 238.350(2)(A) or paid out as outlined in the Retirement Benefit Administrative Regulation.

10. Termination of Employment or Layoff. Accrued but unused sick leave is not paid out at termination. Sick leave balances will be restored for employees recalled from reduction in force.

## **Definitions**

1. *“Family member”* a Covered family members include the employee’s spouse, same-gender domestic partner (as described in ORS 106.300 to 106.340), biological child, adopted child, stepchild, foster child, same-gender domestic partner’s child, parent, adoptive parent, stepparent, foster parent, parent-in-law, same-gender domestic partner’s parent, grandparent, grandchild, any relative residing in the employees immediate household, and any individual with whom an employee has or had an in loco parentis\* relationship and to care of any other individual as defined by OFLA or FMLA.

*1.1.* Persons “in loco parentis” are those with day-to-day responsibilities to care for or financially support a child, or who had such responsibility for the employee when the employee was a child.

2. *“Oregon Sick Time (OST)”* provides employees with up to 40 hours, per calendar year, of protected sick time off, provided that they have the available accrued paid leave (PTO, Vacation, or Sick Leave). OST may be used for personal illnesses and injuries, to care for a family member with an illness, injury or medical appointment, for any reason that qualifies under FMLA/OFLA, for preventative care, and for certain public health emergencies. Up to 40 hours of unused OST accruals may be carried over to the following year.

## **Resources:**

1. [Americans with Disabilities Act Administrative Regulation](#)

2. [Family Medical Leave Administrative Regulation](#)

3. [Labor Agreements](#)
4. [Leave of Absence Administrative Regulation](#)
5. [Oregon Sick Leave Law ORS 653.600](#)
6. [Paid Time Off Administrative Regulation](#)
7. [Retirement Administrative Regulation](#)
8. [Workers' Compensation Guide](#)

**CREATION (Original):**

|  |  |               |            |
|--|--|---------------|------------|
| This administrative regulation is in effect as of the date of my signature. I authorize the Human Resource Director to modify the history and resources sections and header, footer, and numbering without my reauthorization. The administrative regulation remains in effect should these revisions occur. |  |               |            |
| <b>Approved By:</b>  | Gino Grimaldi, City Manager                                  | <b>Dates:</b> | 06/04/2019 |
| <b>Author:</b>   | Chaim Hertz, Director of Human Resources                     |               |            |
| <b>Responsible Party:</b>  | Human Resources  |               |            |
| <b>Replaces:</b>   | Replaces Rule 9.4 of the City's Policy and Procedure Manual. |               |            |

**PERIODIC REVIEW:**

|                  |  |              |  |
|------------------|--|--------------|--|
| <b>Reviewer:</b> |  | <b>Date:</b> |  |
| <b>Reviewer:</b> |  | <b>Date:</b> |  |
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| <b>Reviewer:</b> |  | <b>Date:</b> |  |
| <b>Reviewer:</b> |  | <b>Date:</b> |  |

**REVISIONS:**

|                |                                   |  |              |            |
|----------------|-----------------------------------|--|--------------|------------|
| Version<br>#2: | <b>Responsible Party:</b>         | Human Resources  |              |            |
|                | <b>Revised By:</b>                | Chaim Hertz, Director of Human Resources   |              |            |
|                | <b>Approved By:</b>               | Gino Grimaldi, City Manager  | <b>Date:</b> | 06/21/2019 |
|                | <b>Reason/Summary of Changes:</b> | Removed the requirement of using leave accruals for employees receiving short term disability benefits |              |            |