



6.04(A) SICK LEAVE

Protected Sick Time Accrual Rates

Protected Sick Time

All employees shall begin to accrue protected sick time from their first day of employment and earn one (1) hour of protected sick time for every 30 hours worked or 1-1/3 hours for every 40 hours worked, up to a maximum of 40 hours accrued sick time per calendar year. Employees who are entitled to accrue sick time at a higher rate under HRAR 6.04(b) shall be entitled to the higher specified accrual rate in lieu of the rate specified in this rule. The first 40 hours per calendar year of such leave accrued at the higher rate is protected sick time under this rule. Employees may carry over up to 40 hours of unused sick time from one year to the next; however, employers may limit employees to accruing no more than 80 hours of sick time or using no more than 40 hours of sick time in a year.

Use of Protected Sick Time

[Please see the City of Portland's Charter, Code and Policies 9.01.040 Use of Sick Time](#)

Accrued protected sick time may be used;

1. For non-represented employees, after thirty (30) days of full-time employment, or after ninety (90) days of employment less than full-time;
2. For represented employees, after ninety (90) days of employment, unless a collective bargaining agreement designates a shorter period of time.
3. An employee who leaves employment and becomes re-employed within 180 days will receive credit towards the above 30-day and 90-day eligibility requirements for the entire period of previous employment.
4. 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 the operations of the employer

Protected sick time can be used as needed:

Family Members Under This Rule

Family Member” means an employee’s spouse, same-gender domestic partner, custodial parent, non-custodial parent, adoptive parent, foster parent, biological parent, stepparent, part-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 loco parentis. “Family member” also includes the biological, adopted, foster child or stepchild of an employee or the child of an employee’s same-gender domestic partner. An employee’s child in any of these categories may be either a minor or an adult at the time qualifying leave pursuant to these rules is taken.

Prohibition on Discrimination

No employee will suffer discrimination or retaliation for requesting, using, or complaining that they are not receiving protected sick time as required by Oregon law. While the City encourages employees to bring any concerns or complaints about compliance with the Oregon protected sick time law to the attention of the Bureau of Human Resources, their manager or supervisor, the law requires employers to advise employees that they may file a complaint with the Oregon Bureau of Labor (BOLI) and Industries if they are denied paid sick time or are retaliated against for requesting or taking paid sick time.

In the event of any conflict between this policy and applicable law, the law will be followed.

Absence on Account of Injury Not in the Line of Duty

Absence because of injury not in the line of duty shall be treated as absence because of sickness.

Employees with accrued and unused sick leave hours may still be medically laid off in accordance with the [Administrative Rule on Medical Layoff](#).

Previously Accrued Sick Time

Any employee who leaves employment and becomes re-employed within 180 days of separation is entitled to credit for up to 40 hours of protected sick time accrued and unused during prior City service. Any employee who is re-employed after 180 days of separation or more is not entitled to reinstatement of previously accrued, unused leave.

Accrued sick time is not paid to an employee when the employee separates from City employment except for sworn FPD&R members of the Bureaus of Fire and Rescue and Police upon retirement as provided by their collective bargain agreements.

Reporting Illness

Employees shall follow bureau work rules related to reporting illness. If the reason for sick time is for a foreseeable absence the employee is required to provide advance notice of their intention to use sick time, not to exceed 10 calendar days prior to the date the sick time is to begin or as soon as practical.

Sick Leave Subject to Verification

Unless a collective bargaining agreement provides otherwise, medical verification may only be required under this rule in the following circumstances:

1. An employee takes more than three consecutively scheduled workdays of sick time;
 2. The need for sick time is foreseeable and is projected to last more than three consecutively scheduled workdays;
 3. An employee commences sick time without providing notice required by the employer's sick time policy or
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4. An employer has sufficient evidence to suspect that an employee is abusing sick time, including engaging in a pattern of absenteeism, regardless of whether the employee has used sick time for more than three consecutive working days.

Managers or supervisors suspecting sick leave abuse may require a treatment provider's note before any sick leave pay will be allowed.

The use of sick leave and protected sick time is prohibited when an employee is unable to perform work because of the use of any alcohol, recreational marijuana, or illegal drug. However, sick leave and protected sick time with pay is authorized for absence from work resulting from documented illness or treatment resulting from the misuse of alcohol or drugs.

Abuse of sick time is not protected time. Examples of abuse of sick time include, but are not limited to, those listed in Administrative Rule 6.04(b).

Employment While on Sick Leave Prohibited

No employee on sick leave or protected sick time shall engage in other employment without prior written approval of the Bureau Director. Engaging in other employment while on sick leave or protected sick time without approval shall be considered an abuse of sick leave and subject to disciplinary action.

Collecting Third Party Damages

Section 2-608 of the City Charter requires City employees who collect damages for off the job injuries to reimburse the City for any sick leave used as a result of such injuries from the damages recovered. Bureau directors, or designees, shall notify injured employees by letter of their obligations under the Charter and this Administrative Rule. Such notification shall point out that under the Charter provisions:

1. The employee has the following obligations: If damages are collected from a third person through court action or settlement, the employee is obligated to repay the City the total amount paid to the employee by the City for any sick leave paid due to injury by a third person. Such repayment shall be made to the City Treasurer. In no event shall an employee be obligated to repay the City any monies in excess of the amount of monies collected from a third person for such time loss from City service. Failure to make such reimbursement to the City shall be cause for disciplinary action;
2. Any monies collected by the City Treasurer pursuant to the provisions of this Section shall be properly credited to the fund which has been charged for the sick leave involved.

Upon reimbursement, sick leave previously charged shall be credited to the employee for future use to the extent such repayment represents gross wages paid. No other adjustments to previous payroll records shall be made.

Administrative Rule History

Adopted by Council March 6, 2002, Ordinance No. 176302
Effective April 5, 2002
Revised October 15, 2002
Revised July 9, 2007

Revised April 17, 2009
Revised October 19, 2010
Revised November 4, 2011
Revised June 25, 2019
Revised January 1, 2020

Proposed Revisions