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MEASURE: HB 3390
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HB 3390 - Statewide Sick Leave
Testimony of Joe Gilliam, President NWGA
House Business and Labor Committee
April 3, 2013

Define Sick Leave: Use City of Portland Definition

UNPAID: For all Oregon employees:

No one can be terminated for taking unpaid sick leave up to a limited number of hours.

PAID: Define the target labor pool: Who already has sick leave?; who doesn't? Don't over legislate or you will upset the balance of other benefits (vacation, insurance, retirement contributions, etc.):

- No employer size limits (i.e. 5 or less, 6 or more)
- Minimum 40 hours per year
- First day paid sick leave for all employees making less than 150% of the Oregon minimum wage (not including tips, commissions, by the piece)
- Accrual starts on day one of employment (or enactment)
- Accrual rate 1 hour for every 30 hours worked
- 180 days from time of hire (or enactment) until benefit is allowed to be used
- Use is by one hour minimum time increments.
- Unused hours up to 40 hour maximum are carried over to subsequent year
- No requirement to cash out at end of year or termination of employment (employer option)
- For employees at 150% of minimum wage or above, employers' policy as long as a minimum of 40 paid hours per year is offered

Exemptions

- Employers that offer Paid Time Off (PTO) plans that offer a minimum of 40 hours
- Employees that transport perishable goods (bread, meat, fish, produce) that have a minimum of 40 hours of paid sick leave.
- Stage hands (concerts, special events)
- Collective Bargaining Agreements and Union Hiring Halls (construction trades)
- Out of State Employees that travel to Oregon

Protection / Abuse

- Retaliation Language
- Wage and Hour Claims through BOLI (currently includes private right of action)
- Unless allowed by employer, paid sick leave cannot be used the day prior to, during, or after a paid or recognized holiday or paid vacation.

Local Pre-emption

- All - Including Portland