

SB454-3/HB2005-3

PREEMPTION

Local governments preempted from implementing their own sick-leave ordinances. *Section 15*

EMPLOYER SIZE

Paid leave at normal rate of pay for employers with 6 or more employees. Protected unpaid leave for employers with fewer than 6 employees. *Section 3(1)(a) and 3(1)(b)*

ANNUAL BENEFIT

Maximum 40 hours can be used in a year. *Section 3(2)(b)*.

MAXIMUM CARRYOVER TO NEXT YEAR

40 hours can be carried over from previous year (available if needed at the beginning of the year). Employee can accumulate up to 80 hours, but only 40 hours can be used each year. *Section 3(2), 3(2)(a) and 3(2)(b)*.

ACCRUAL RATE

At least 1 hour leave for every 30 hours worked. *Section 3(1)(a) and 3(1)(b)*

RECORD KEEPING

No specific requirement to keep records, but employer must notify employees of accrued and available leave at least on a quarterly basis or as part of their regular pay stubs. *Section 9(1)(a)*

SHIFT TRADING

Allowable if voluntary by both employees and agreed to by employer. Trade doesn't need to happen during the same pay period. *Section 3(8)*

MINIMUM LEAVE INCREMENT

--1 hour *Section 6(7)*

--Employee will make reasonable attempt to take leave when least disruptive to business. *Section 7(3)(b)*

DEFINITION OF EMPLOYEE

--ORS652 Definition. *Section 2(1)*

--Excludes family members, independent contractors, and interns. *Section 2(1)(a-f)*

USE OF LEAVE

For self-care or care of a family member. *Section 6(1) and 6(2)*

DEFINITION OF FAMILY MEMBER

Oregon Family Leave Act (OFLA) Definition. *Section 1(3)*

WAITING PERIOD

90 days from first day of employment. *Section 3(4)(a)*

(NOTE: Section 5 of the original SB 454 has now been rolled into Section 3 in SB 45403.)

BREAK IN SERVICE

--If employee returns to employer within 180 days of separation, accrual resumes. *Section 3(10)(a) and 3(10)(b)*

--During break in service, 90-day waiting-period clock stops, resumes if employee rehired within 180 days. *Section 3(10)(b)*

EXEMPTIONS

Exempts employees whose terms and conditions of employment are covered by a collective bargaining agreement, AND are employed through a referral hiring hall or similar referral system operated by the union or a third party; AND whose benefits are delivered through a multi-employer trust. *Section 12(1)*

EXISTING POLICIES (e.g., existing PTO)

--New section clarifies that PTO policies that meet or exceed the requirements in the bill and can be used for sick leave purposes have met the standard. *Section 4*

--Employers that offer 40 hours of sick leave at the beginning of each year (i.e., “front-load”) have met the standard.

--BOLI will be a resource to employers, advising them as to whether their existing policies meet the standard.

MEDICAL VERIFICATION

--Can be required for absences longer than three consecutive days *Section 8(1)(a)*

--And for suspected pattern of abuse. *Section 8(3)(b)*

--Employer responsibility for employee costs as under OFLA *Section 8(2)*

ENFORCEMENT

BOLI-enforced and private right of action *Sections 13, 14, and 17*

“GRACE PERIOD”

--Law effective January 1, 2016. *Section 20*

--No penalties (except for retaliation) assessed prior to January 1, 2017. *Section 19*

AGRICULTURAL WORKERS

--For seasonal workers working under a labor contractor, contractor is the employer for purposes of providing sick leave *Section 1(2)*

--For piece-rate workers, compensation is at their “regular” wage (i.e., wage when they do non-piece-rate work, at least minimum wage). *Section 3(4)(c)(B)*

MISCELLANEOUS

--Employers are free to allow employees to donate unused sick leave to other employees in need. *Section 6(5)*