

**PRELIMINARY STAFF MEASURE SUMMARY****CARRIER:**

Senate Committee on Workforce

**REVENUE: May have revenue impact, statement not yet issued****FISCAL: May have fiscal impact, statement not yet issued****SUBSEQUENT REFERRAL TO:****Action:****Vote:****Yeas:****Nays:****Exc.:****Prepared By:** Matthew Germer, Administrator**Meeting Dates:** 2/16, 3/23, 3/25

**WHAT THE MEASURE DOES:** Requires employers provide paid sick time for employees for the purpose of caring for personal or family member's mental or physical illness, injury, or health condition or for preventative medical care. Sets the rate at which paid sick leave accrues and annual maximum. Requires employees give advance notice of intent to use paid sick leave under certain circumstances. Classifies violations as unlawful practices under the jurisdiction of the Bureau of Labor and Industries and allows for both equitable and compensatory relief.

**ISSUES DISCUSSED:**

- Employer size
- Overlap with OFLA

**EFFECT OF COMMITTEE AMENDMENT:**

(-2) Exempts employers with less than 50 employees from providing paid sick leave. Requires employers with less than 50 employees to provide protected unpaid sick leave.

(-4) Provides employers a tax credit for a percentage of expenses related to paid sick leave according to a graduated schedule based on employer size.

(-5) Provides employers a tax credit for all expenses related to paid sick leave.

(-6) Amends Oregon Family Leave Act to include paid sick leave.

(-7) Limits paid sick leave benefit to full-time employees.

(-8) Exempts agricultural workers.

(-9) Exempts seasonal workers.

(-10) Reduces separation gap from 180 days to 90 days.

(-11) Changes rate of accrual from 1 hour for 30 hours worked to 1 hour for 40 hours worked.

(-12) Establishes 5-year grace period.

(-13) Limits annual accrual to 24 hours, annual rollover to 24 hours, and maximum hours accrued to 48 hours.

(-22) Makes applicable to employers with at least 6 employees. Preempts local governmental authority on matters related to sick leave. Changes maximum annual benefit to 40 hours, maximum annual carryover to 40 hours, and maximum hours accumulated to 80 hours. Allows employees to consent to trade any future shifts in lieu of using sick time. Excludes independent contractors and certain other employment arrangements. Modifies waiting period provision. Creates 1-year grace period for all damages except retaliation penalties. Requires sick leave benefit for piece rate and commission-based workers be no less than the minimum wage. Permits employers to require verification for pattern of abuse. Requires employer and employee to voluntarily agree to paid sick leave donations.

**BACKGROUND:** Three states currently require paid sick leave: Connecticut, California and Massachusetts. There are no federal laws that require employers to provide paid sick leave for their employees. In Oregon, the City of Portland implemented an ordinance in 2013 requiring employers with at least six employees to provide paid sick leave and

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***This summary has not been adopted or officially endorsed by action of the committee.***

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smaller employers to provide unpaid, protected sick time. The City of Eugene followed in 2014 with a requirement that all employers provide paid sick leave.

Under current law, employers are not required to provide paid sick leave to employees. If an employee misses a day of work due to illness, the employer has no duty to provide compensation for the missed time or to schedule an extra shift for the employee to make up the time. However, the Oregon Family Leave Act (OFLA) requires employers with at least 25 employees to provide protected leave for eligible employees. Similar statutes provide protected leave for victims of domestic violence, sexual assault, and stalking.

Senate Bill 454 requires employers provide paid sick time to employees for the purpose of caring for personal or a family member's mental or physical illness, injury, or health condition or for preventative medical care. Under this measure, employees accrue 1 hour of paid sick leave for every 30 hours worked, up to a maximum of 40 hours per year, and must provide verification of the need for sick leave under certain circumstances. Additionally, leave for the purpose of providing care to new family members, grieving a family member's death, or handling matters related to domestic violence, sexual assault, or stalking would qualify for paid sick leave. Senate Bill 454 also requires employees to give advance notice of intent to use paid sick leave under certain circumstances. The measure also prohibits discrimination against employees who inquire about or use paid sick leave. Finally, Senate Bill 454 classifies any violation of sick leave provisions as an unlawful practice under the jurisdiction of the Bureau of Labor and Industries and allows for both equitable and compensatory relief.

Senate Bill 454 is identical to House Bill 2005.