

STAFF MEASURE SUMMARY**House Committee On Business and Labor****Fiscal:** Fiscal impact issued**Revenue:** Revenue impact issued**Action Date:** 04/20/15**Action:** Do Pass As Amended, Be Printed Engrossed, And Bill Be Referred To Rules.**Meeting Dates:** 02/16, 03/23, 03/30, 04/20**Vote:**

Yeas: 6 - Barton, Doherty, Evans, Fagan, Holvey, Nosse

Nays: 5 - Barreto, Esquivel, Heard, Kennemer, Weidner

Prepared By: Jan Nordlund, Committee Administrator**WHAT THE MEASURE DOES:**

Requires employers with six or more employees to provide paid sick leave. Requires employers with fewer than six employees to provide unpaid sick leave. Exempts certain employees. Creates exception for employer with policy that meets specified criteria. Creates exception for certain employees working under collective bargaining agreement who are employed through hiring hall or similar referral system and who whose benefits are provided by a joint multi-employer-employee trust or benefit plan. Directs Home Care Commission to establish paid sick time policy for consumer-employed home care workers. Specifies purpose for which sick leave may be taken and notice employee must provide. Specifies that employee must be able to earn and use up to 40 hours per year. Allows up to 40 hours unused sick time to be carried over to following year unless employer's policy meets specified criteria. Prohibits employer from requiring employee to look for or find replacement worker before using sick time or to work a different shift to compensate for the use of sick time. Allows employer to require verification when abuse of sick time is suspected. Prohibits retaliation or discrimination against employee who uses or inquires about sick leave. Preempts authority of local governments to set any sick leave requirements. Makes violation an unlawful employment practice and provides employee with private right of action. Allows civil penalties for violations other than retaliation and discrimination that occur after January 1, 2017.

ISSUES DISCUSSED:

- Impact of no protected sick leave
- Comparison with Oregon Family Leave Act
- Expense to employers
- Process to develop amendments
- Portland and Eugene paid sick leave ordinances

EFFECT OF COMMITTEE AMENDMENT:

Replaces original measure.

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 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 Oregon 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.