

Senate Bill 403

Sponsored by Senator FERRIOLI (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Limits availability of paid and unpaid sick leave to employee who uses leave because of domestic violence, harassment, sexual assault, stalking or harm as result of certain felonies.

A BILL FOR AN ACT

1
2 Relating to a limitation on the reasons for which an employee may use sick leave; amending ORS
3 653.616 and 653.626.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 653.616 is amended to read:

6 653.616. An employee may **not** use sick time earned under ORS 653.606 **other than:**

7 *[(1) For an employee's mental or physical illness, injury or health condition, need for medical di-*
8 *agnosis, care or treatment of a mental or physical illness, injury or health condition or need for pre-*
9 *ventive medical care.]*

10 *[(2) For care of a family member with a mental or physical illness, injury or health condition, care*
11 *of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness,*
12 *injury or health condition or care of a family member who needs preventive medical care.]*

13 *[(3) Notwithstanding ORS 659A.153, for any other purpose specified in ORS 659A.159.]*

14 *[(4)]* **(1)** For a purpose specified in ORS 659A.272, notwithstanding ORS 659A.270 (1)[.]; **or**

15 **(2) As a crime victim, as defined in ORS 659A.190, notwithstanding to 659A.198.**

16 *[(5) To donate accrued sick time to another employee if the other employee uses the donated sick*
17 *time for a purpose specified in this section and the employer has a policy that allows an employee to*
18 *donate sick time to a coworker for a purpose specified in this section.]*

19 *[(6) In the event of a public health emergency. For purposes of this subsection, a public health*
20 *emergency includes, but is not limited to:]*

21 *[(a) Closure of the employee's place of business, or the school or place of care of the employee's*
22 *child, by order of a public official due to a public health emergency;]*

23 *[(b) A determination by a lawful public health authority or by a health care provider that the*
24 *presence of the employee or the family member of the employee in the community would jeopardize the*
25 *health of others, such that the employee must provide self care or care for the family member; or]*

26 *[(c) The exclusion of the employee from the workplace under any law or rule that requires the*
27 *employer to exclude the employee from the workplace for health reasons.]*

28 **SECTION 2.** ORS 653.626 is amended to read:

29 653.626. (1)[(a)] If an employee takes more than three consecutive scheduled workdays of sick
30 time *[for a purpose described in ORS 653.616 (1) to (4)]*, an employer may require the employee to
31 provide, **within a reasonable time**, *[verification from a health care provider of the need for the sick*

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 *time, or] certification or notice of the need for leave [for purposes of ORS 659A.272] as provided in*
 2 *ORS 659A.196 or 659A.280.*

3 *[(b) If the need for sick time is foreseeable and is projected to last more than three scheduled*
 4 *workdays and an employee is required to provide notice under ORS 653.621, the employer may require*
 5 *that verification or certification be provided before the sick time commences or as soon as otherwise*
 6 *practicable.]*

7 *[(c) If the employee commences sick time without providing prior notice required by the employer*
 8 *under ORS 653.621:]*

9 *[(A) Medical verification shall be provided to the employer within 15 calendar days after the em-*
 10 *ployer requests the verification; or]*

11 *[(B) Certification provided as specified in ORS 659A.280 shall be provided to the employer within*
 12 *a reasonable time after the employee receives the request for certification.]*

13 (2) The employer shall pay any reasonable costs for providing *[medical verification]* **notice** or
 14 certification required under this section, including lost wages, that are not paid under a health
 15 benefit plan in which the employee is enrolled.

16 (3)*[(a)]* An employer may not require that the *[verification]* **notice** or certification required under
 17 this section explain *[the nature of the illness or]* details related to the domestic violence, sexual as-
 18 sult, harassment, or stalking that necessitates the use of sick time.

19 *[(b) If an employer suspects that an employee is abusing sick time, including engaging in a pattern*
 20 *of abuse, the employer may require verification from a health care provider of the need of the employee*
 21 *to use sick time, regardless of whether the employee has used sick time for more than three consecutive*
 22 *days. As used in this paragraph, “pattern of abuse” includes, but is not limited to, repeated use of*
 23 *unscheduled sick time on or adjacent to weekends, holidays, vacation days or paydays.]*

24 *[(4) As used in this section, “health care provider” has the meaning given that term in ORS*
 25 *659A.150.]*

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