

Enrolled Senate Bill 588

Sponsored by Senator TAYLOR; Senators GORSEK, LIEBER, MANNING JR, Representatives CAMPOS, GRAYBER, POWER, SCHOUTEN (Presession filed.)

CHAPTER

AN ACT

Relating to sick time exemption for certain employees covered by collective bargaining agreements; amending ORS 653.646; and prescribing an effective date.

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

SECTION 1. ORS 653.646 is amended to read:

653.646. (1) *[The requirements of ORS 653.601 to 653.661 do not apply to an employee:]*

[(a) Whose terms and conditions of employment are covered by a collective bargaining agreement;]

[(b) Who is employed through a hiring hall or similar referral system operated by the labor organization or a third party; and]

[(c) Whose employment-related benefits are provided by a joint multiemployer-employee trust or benefit plan.] **An employer signatory to a collective bargaining agreement to which the employer has agreed to contribute to a multiemployer-employee trust or benefit plan that is maintained for the benefit of the employees subject to the agreement shall be considered to have met the requirements of ORS 653.601 to 653.661 if:**

(a) The terms of the agreement provide a sick leave policy or other paid time off program that is substantially equivalent to or more generous than the minimum requirements of ORS 653.601 to 653.661 for the benefit of employees:

(A) Who are employed through a hiring hall or similar referral system operated by the labor organization or a third party;

(B) Whose terms and conditions of employment are covered by the multiemployer collective bargaining agreement; and

(C) Whose employment-related benefits are provided by the joint multiemployer-employee trust or benefit plan;

(b) The trustees of the trust or benefit plan have agreed to the level of benefits provided under the sick leave policy or other paid time off program; and

(c) The contributions to the trust or benefit plan are made solely by the employer signatories to the agreement.

(2)(a) An employee is eligible to use sick time accrued under a sick time policy or other program made available by an employer under subsection (1) of this section beginning on the 91st calendar day of employment with an employer who is a signatory to the multiemployer collective bargaining agreement described under subsection (1) of this section.

(b) An employee may combine employment service attributable to each employer signatory for whom the employee worked to meet the eligibility requirements under paragraph (a) of this subsection.

(3) The requirements of ORS 653.601 to 653.661 do not apply to an employee:

(a) Who is employed as a longshore worker;

(b) Who is employed through a hiring hall or similar referral system operated by the labor organization or a third party;

(c) Whose terms and conditions of employment are covered by a collective bargaining agreement; and

(d) Whose employment-related benefits are provided by a joint multiemployer-employee trust or benefit plan.

[(2)(a)] (4)(a) The Home Care Commission created under ORS 410.602 shall establish a paid sick time policy for consumer employed home care workers and consumer employed personal support workers.

(b) A policy for paid sick time for consumer employed home care workers and consumer employed personal support workers implemented by the Home Care Commission that allows an eligible home care worker or personal support worker to accrue and use up to 40 hours of paid time off a year, including but not limited to sick time, is deemed to meet the requirements of ORS 653.601 to 653.661 and is exempt from the provisions of ORS 653.601 (6), 653.606 (5), 653.611, 653.621, 653.626 and 653.631.

[(3)] (5) As used in this section:

(a) "Consumer employed home care worker" has the meaning given the term "home care worker" in ORS 410.600.

(b) "Consumer employed personal support worker" has the meaning given the term "personal support worker" in ORS 410.600.

SECTION 2. This 2021 Act takes effect on January 1, 2023.

Passed by Senate March 24, 2021

Received by Governor:

Repassed by Senate June 14, 2021

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Approved:

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Lori L. Brocker, Secretary of Senate

.....M.,....., 2021

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Peter Courtney, President of Senate

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Kate Brown, Governor

Passed by House June 9, 2021

Filed in Office of Secretary of State:

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Tina Kotek, Speaker of House

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Shemia Fagan, Secretary of State