

A-Engrossed Senate Bill 588

Ordered by the House June 1
Including House Amendments dated June 1

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

Provides that employer signatories to multiemployer collective bargaining agreements are considered to have met minimum requirements of sick time provisions if terms of collective bargaining agreement provide, as benefit to employees subject to agreement, sick leave policy or other paid time off program that is substantially equivalent to or more generous than minimum requirements of sick time provisions.

Removes provision that exempts certain employees who are covered under collective bargaining agreement from sick leave requirements.

Provides that minimum sick time requirements do not apply to certain longshore workers.

[Declares emergency, effective on passage.]

Takes effect on January 1, 2023.

A BILL FOR AN ACT

1
2 Relating to sick time exemption for certain employees covered by collective bargaining agreements;
3 amending ORS 653.646; and prescribing an effective date.

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

5 **SECTION 1.** ORS 653.646 is amended to read:

6 653.646. (1) *[The requirements of ORS 653.601 to 653.661 do not apply to an employee:]*

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

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

10 *[(c) Whose employment-related benefits are provided by a joint multiemployer-employee trust or*
11 *benefit plan.]* **An employer signatory to a collective bargaining agreement to which the em-**

12 **ployer has agreed to contribute to a multiemployer-employee trust or benefit plan that is**
13 **maintained for the benefit of the employees subject to the agreement shall be considered to**
14 **have met the requirements of ORS 653.601 to 653.661 if:**

15 **(a) The terms of the agreement provide a sick leave policy or other paid time off program**
16 **that is substantially equivalent to or more generous than the minimum requirements of ORS**
17 **653.601 to 653.661 for the benefit of employees:**

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

20 **(B) Whose terms and conditions of employment are covered by the multiemployer col-**
21 **lective bargaining agreement; and**

22 **(C) Whose employment-related benefits are provided by the joint multiemployer-employee**

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 **trust or benefit plan;**

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

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

6 **(2)(a) An employee is eligible to use sick time accrued under a sick time policy or other**
7 **program made available by an employer under subsection (1) of this section beginning on the**
8 **91st calendar day of employment with an employer who is a signatory to the multiemployer**
9 **collective bargaining agreement described under subsection (1) of this section.**

10 **(b) An employee may combine employment service attributable to each employer**
11 **signatory for whom the employee worked to meet the eligibility requirements under para-**
12 **graph (a) of this subsection.**

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

14 **(a) Who is employed as a longshore worker;**

15 **(b) Who is employed through a hiring hall or similar referral system operated by the la-**
16 **bor organization or a third party;**

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

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

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

24 **(b)** A policy for paid sick time for consumer employed home care workers and consumer em-
25 ployed personal support workers implemented by the Home Care Commission that allows an eligible
26 home care worker or personal support worker to accrue and use up to 40 hours of paid time off a
27 year, including but not limited to sick time, is deemed to meet the requirements of ORS 653.601 to
28 653.661 and is exempt from the provisions of ORS 653.601 (6), 653.606 (5), 653.611, 653.621, 653.626
29 and 653.631.

30 ~~[(3)]~~ **(5)** As used in this section:

31 **(a)** “Consumer employed home care worker” has the meaning given the term “home care
32 worker” in ORS 410.600.

33 **(b)** “Consumer employed personal support worker” has the meaning given the term “personal
34 support worker” in ORS 410.600.

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

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