



# City of Eugene

## Oregon Sick Time Frequently Asked Questions

### 1. What is Oregon Sick Time (OST)?

Beginning January 1, 2016, all employers in Oregon with 10 or more employees (6 or more in Portland) must provide their employees with paid and protected sick time. Employers must comply with the minimum provisions of the bill even if they already have a sick leave program. While the biggest change for the City of Eugene is that Temporary Employees will be eligible for paid sick time, certain provisions of the bill require changes even for Regular Employees.

### 2. What is the difference between the City of Eugene's regular leave programs and Oregon Sick Time for Regular Employees?

The City's Sick Leave and PTO programs are more generous for Regular Employees in many respects than Oregon Sick Time, but the OST bill has several significant differences. Some examples are that OST accrues on overtime hours worked, can be used in the pay period in which it accrues, and can be used to care for additional family members and for different reasons than outlined in City policy and union contracts. Because of these differences, Oregon Sick Time and COE Sick Leave will be tracked separately to ensure we are in compliance with the sick time law.

*Note: Regular Employees use their normal leave banks when taking OST-qualified leave time. Because the City's normal accruals are more generous than outlined in the law, OST does not provide accruals in addition to the employee's normal leave banks. However, the law provides additional reasons for leave and impacts when the leave is paid to the employee. In some cases, leave will be paid even if the employee's normal leave banks are exhausted. Please see questions #7 and #9 for details.*

### 3. How does OST accrue?

Effective January 1, 2016, employees will accrue 1 hour of OST for every 30 hours worked, beginning on their first day of work.

### 4. Is there a limit to how much OST can be used?

Yes. A maximum of 40 hours of OST can be used each calendar year, even if the employee's accrual balance is greater than 40 hours.

### 5. What happens if an employee accrues more hours than they use in a year?

Up to 40 hours of accrued but unused leave will roll over from year to year, but the employee will still only be able to use a maximum of 40 hours each calendar year.

### 6. When can OST be used?

Temporary Employees are eligible to use accrued leave on their 91st day of employment or January 1, 2016, whichever is later. Regular Employees are eligible to use OST as it accrues starting with their date of hire.

# Oregon Sick Time Frequently Asked Questions, cont.

## 7. What timecodes should be used?

Employees with only Temporary positions should code SKT (Sick Time) for OST-qualifying time off work. Employees with a Regular position, including those with both a Regular and Temporary job, should code SCK (if they accrue sick leave) or PTO (if they accrue personal time off) when using OST-qualifying time in either their Regular or Temporary position. If the time off qualifies as FMLA- and/or OFLA-protected time, employees will be instructed to use the appropriate FMLA/OFLA [timesheet codes](#).

## 8. Is unused OST paid out when an employee leaves employment?

No. The statute specifies that an employer does not have to pay out unused sick time.

## 9. Will a Regular Employee's normal leave banks be counted as OST?

Yes. OST-qualifying usage runs concurrently with usage from the employee's regular leave banks, and the first 40 hours used in a calendar year will fall under the OST rules and protections. This includes accruals other than sick leave if their use is allowed under City policy or State or Federal law. For AFSCME-Represented RAEs and IATSE-Represented employees who accrue PTO, the first 40 hours of time coded to PTO in a calendar year will be considered Oregon Sick Time even if it was used for a purpose other than sick leave. For all employees, once 40 hours of OST has been used in a calendar year, normal City policy and union contracts will apply to any additional time off.

## 10. What can OST be used for?

Employees can use Oregon Sick Time for the following purposes:

- For an employee's own illness, injury, or health condition, including preventive care
- To care for a family member with an illness, injury, or health condition, including preventive care ("family member" has the same definition as under the Oregon Family Leave Act (OFLA), so includes spouses, registered same-gender domestic partners, parents, parents-in-law, children, grandparents, and grandchildren)
- For any purpose allowed under OFLA, such as bereavement leave, caring for a newborn child or newly adopted/foster child, or military exigency, regardless of whether the employee is eligible for OFLA
- For any purpose allowed under Oregon's domestic violence, harassment, sexual assault, or stalking law
- For certain public health emergencies, including if the employee's workplace or a child's school or place of care is closed by a public health official due to a public health emergency

## 11. When is OST available for rehired employees?

Employees rehired within 180 days of separation from service will have their OST accrual balance restored, as well as credit for any portion of their 90-day waiting period previously served. This includes Regular employees rehired as Temporary employees, or vice versa. If rehired after 180 days the employee is treated as a new employee for OST purposes.

## 12. How will an employee's OST accrual, usage and available balance be tracked?

Supervisors and Timekeepers will have access to refreshable queries that will accurately track an employee's OST available balance. Because of system limitations, the accrual showing in the payroll system should not be used to determine the amount of OST available to code.

## Oregon Sick Time Frequently Asked Questions, cont.

**13. Does OST for Temps count toward the AFSCME 10 Pay Period and 1040 hour rules?**

Yes. OST-qualifying time off for Temporary Employees will count toward the hour limits.

**14. How will employees be notified of their available OST balance and of their rights under the law?**

Employees will be sent an email when the law goes into effect and a poster outlining their rights will be posted in workplaces. The information will be included in the Benefits packet and hire letter for new employees. Employees will be notified quarterly of their accrual and available balance if they have work hours in the previous quarter.