

Eugene, Oregon Becomes Ninth Patch in Paid Sick Leave Patchwork

By Michael J. Soltis on August 6, 2014

Eugene, OR enacted its “Ordinance Concerning Sick Leave” on July 29, 2014, making it the ninth jurisdiction to have a paid sick leave law. The other eight are San Francisco, Seattle, Portland, OR, New York City, Newark and Jersey City, New Jersey, Connecticut and the District of Columbia. Massachusetts voters will decide in November whether to approve a Paid Sick Days Initiative.

The Eugene Ordinance is effective July 1, 2015. Its structure and substance have many similarities to some of the other laws. Beginning the later of an employee’s first day of employment or July 1, 2015, employees begin to accrue an hour of paid sick leave for every 30 hours of paid work done in Eugene, to a maximum accrual of 40 hours in a year. Employees may carry over unused time to the following year but an employer is not required to allow employees to use more than 40 hours of sick leave in a year. An employee may begin to use accrued sick time after 90 days of employment. The Ordinance contains the usual list of reasons an employee may use accrued sick leave: diagnosis, care or treatment of the employee or employee’s family for illness, injury or health condition including preventative medical care; reasons related to domestic violence, harassment, sexual assault or stalking; and other reasons that may be adopted in the administrative rules for the Ordinance. An employer need not pay an employee for unused sick leave upon termination.

The Ordinance also has a few less common provisions. Employees whose work location is not in Eugene but who work in Eugene from time to time accrue paid sick leave during the time working in Eugene. Once an employee has worked 240 hours in Eugene in a year, the employee is eligible to accrue and use paid sick time that year and every subsequent year that he works in Eugene. The Ordinance also prohibits an employer from requiring an employee to find a replacement worker for his or shift as a condition for the employee’s use of sick leave.

The City Manager is directed to adopt administrative rules on a number of topics, including provisions “to ensure that employers may establish and enforce reasonable policies for employees in order to maintain workplace productivity and prevent possible abuse.”

As we have said previously, the challenge created by this patchwork of paid sick leave laws has nothing to do with the social question of whether there should or should not be paid sick days. The challenge is the proliferation of leave and attendance laws and how they interact with each other. Does the time off under paid sick day laws run concurrent with time off under these other leave-and-attendance laws or is it “stacked” on top of those laws? The Eugene Ordinance does not have any provision that addresses this integration issue.

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