Phoenix-Talent Schools District 4

Code: GCBDD/GDBDD
Adopted: 7/07/16
Revised/Readopted: 6/16/22
Orig. Code(s):   GCBDD/GDBDD

Sick Time *

 "Employee" means an individual who renders personal services at a fixed rate tois employed by the district if the district either paysand who is paid on an hourly, stipend or agrees to pay for personal services or permits the individual to perform personal servicessalary basis, and for whom withholding is required under Oregon Revised Statute (ORS) 316.162-316.221. The definition does not include volunteers or independent contractors.

Employees qualify to begin earning and accruing sick time on the first day of employment with the district and are eligible to use sick time beginning on the 91st calendar day of employment with the district and may use sick time as it is accrued.

TheA district employs employing 10 or more employees and therefore shall allow an eligible employee to access up to 40 hours of paid sick time per year. Paid sick time shall be front-loaded for full-time licensed staff, full-time classified staff and full-time non-represented staff. Paid sick time shall accrue at the rate of at least one hour of paid sick time for every 30 hours the employee works, or 1-1/3 hours for every 40 hours the employee works.for part-time licensed staff, part-time classified staff, part-time non-represented staff, coaches and other stipend staff and classified substitutes.

The employee may carry up to 40 hours of unused sick time from one year to the subsequent year. An employee is limited to using no more than 40 hours of sick time in a year. This does not diminish or supersede any rights already afforded by the employee under ORS 332.507.

Sick time shall be taken in hourly increments and may be used for the employee's or a family member's[1] mental or physical illness, injury or health condition, need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive care, or for reasons consistent with qualifyingthe Family Medical Leave Act (FMLA), Paid Family and Medical Leave Insurance (PFMLI) or Oregon Family Leave (OFLA).. Sick time may also be used in the event of a public health emergency or for leave to address domestic violence, harassment, sexual assault, bias, or stalking under ORS 659A.272. [When sick time is used to care for, or to deal with the death of, an individual related by blood or affinity whose close association with the district employee is the equivalent of a family relationship, the district requires an attestation form signed and submitted by the employee.].

The use of sick time may not lead to, or result in, an adverse employment action against the employee.

The district reserves the right , after an employee uses sick time for more than [three]five consecutive scheduled workdays days of absence, to require verificationproof of personal illness or certification in accordance with law of the need for the sick timeinjury from an employee, including a medical verification

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[1] "Family member" is defined in OAR 839-007-0000.by the Oregon Family Leave Act (OFLA).

or certification[2]~~examination by a physician chosen and~~ paid for by the district. If an~~An~~ employee fails~~refusing~~ to provide verification or certification or fails~~submit to such an examination or~~ to provide other evidence as required by the district, the employee shall be subject to appropriate disciplinary action, up to and including dismissal.

When the reason for sick time is consistent with FMLA, PFMLI or ~~/~~OFLA leave, ~~the~~ sick time leave and qualifying~~the~~ FMLA, PFMLI or ~~/~~OFLA ~~leave may run concurrently. When the sick time is consistent with current family leave time under district collective bargaining agreements, the~~ leave may run concurrently.

When the reason for sick time is consistent with ORS 332.507, ~~the~~ sick time leave and leave pursuant to ORS 332.507 may run concurrently.

If the reason for sick time is a foreseeable absence, the district requires an ~~may require the~~ employee to provide advance notice of the~~their~~ intention to use sick time {[3]}~~within~~ 10 days prior to when~~of~~ the requested sick time is to begin~~,~~ or as soon as otherwise practicable. When an~~the~~ employee uses sick time for a foreseeable absence, the employee shall take reasonable effort to schedule the sick time in a manner that does not unduly disrupt the operations of the district (e.g., grading deadlines, inservice training, mandatory meetings). [The district may discipline an employee if the employee fails to make a reasonable effort to schedule leave in a manner that does not unduly disrupt the operations of the district.]

If the reason for sick time is unforeseeable, such as an emergency, accident or sudden illness, the employee shall notify the district consistent with the reporting time established by the district, or when circumstances prevent the employee from providing notice as required, as soon as practicable.

[The district may discipline an employee for violating workplace policies and procedures if the employee fails to provide notice as required.]

The district shall establish a standard process to track the eligibility for sick time of a substitute.

END OF POLICY

Legal Reference(s):

ORS 332.507

ORS 342.545

ORS 342.610

ORS 653.601 - 653.661

ORS 659A.150 - 659A.186

OAR 839-007-0020 - 0065

Americans with Disabilities Act/Americans with Disabilities Act Amendments Act, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2023); 28 C.F.R. Part 35 (2023).
Family and Medical Leave Act, 29 U.S.C. §§ 2601-2654 (2018); Family and Medical Leave Act, 29 C.F.R. Part 825 (2023).

Cross Reference(s):

ACA - Americans with Disabilities Act
GBDA - Expression of Milk or Breast-feed in the Workplace
GCBDA/GDBDA - Family Medical Leave

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[2] In the case of need for leave under ORS 659A.272, the district may not require the verification or certification to explain the nature of the illness or details related to the domestic violence, sexual assault, harassment, bias, or stalking, which necessitates the use of sick time.

[3] {ORS 653.621(3): "…not to exceed 10 days"}