

# Milton-Freewater School District 7

Code: GCBDD/GDBDD  
Adopted: 6/20/16  
Revised/Readopted: 1/09/17; 12/11/17

## Sick Time

“Employee” means an individual who ~~is employed by the district and who is paid on an hourly, stipend or salary basis, and for whom withholding is required under Oregon Revised Statute (ORS) 316.162-316.221~~ renders personal services at a fixed rate to the district if the district either pays or agrees to pay for personal services or permits the individual to perform personal services. 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.

The district shall allow an eligible employee to access up to 40 hours of paid sick time per fiscal year. Paid sick time shall accrue at the rate of at least one hour of paid sick time for every 30 hours the or 1-1/3 hours for every 40 hours the employee works for all licensed and classified substitutes as well as employees that work less than .5 FTE. Paid sick time of 40 hours shall be front-loaded for coaches, full-time employees and those working .5 FTE or greater at the beginning of each fiscal year.

The employee may carry up to 40 hours of unused sick time from one year to the subsequent year. An employee is limited to [accruing no more than 80 hours of sick time] [and] using no more than 40 hours of sick time in a fiscal year.

Sick time shall be taken in hourly increments except for licensed substitutes which must take sick time in 4-hour increments and may be used for the employee’s or a family member’s 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 qualifying the 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 verification ~~proof of personal illness~~ or certification in accordance with law of the need for the sick time ~~injury from an employee~~, including a medical verification

or certification<sup>1</sup> examination by a physician chosen and paid for by the district. If 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 will 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 will run concurrently.

Nothing in this policy impacts the district's sick leave obligation under ORS 332.507 and collective bargaining agreement.

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 {<sup>2</sup>} 10 days prior to when 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 at least 12 hours in advance or when circumstances prevent the employee from providing notice as required, or 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

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#### 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](#)

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<sup>1</sup> 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.

<sup>2</sup> {ORS 653.621(3): "...not to exceed 10 days"}

Americans with Disabilities Act ~~of 1990~~/Americans with Disabilities Act Amendments Act, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (~~2016~~2023); 28 C.F.R. Part 35 (~~2016~~2023).  
Family and Medical Leave Act ~~of 1993~~, 29 U.S.C. §§ 2601-2654 (~~2012~~2018); Family and Medical Leave Act ~~of 1993~~, 29 C.F.R. Part 825 (~~2016~~2023).  
~~Americans with Disabilities Act Amendments Act of 2008.~~