

## **RESOLUTION 25-056-Approval of Amended Board Policy GCBDD/GDBDD-Sick Time**

**Background:** There continues to be significant changes in Oregon law regarding leave. This includes changes from SB 1515 (2024) and numerous rule changes to match.

The biggest change governs what conditions qualify for leave taken through the Oregon Family Leave Act (OFLA) and Paid Family and Medical Leave Insurance (PFMLI). While these leave allotments used to run concurrently in many situations, they now cannot be taken concurrently.

**WHEREAS,** the Multnomah Education Service District Board of Directors Policy Committee has reviewed and discussed Board Policy GCBDD/GCBDD-Sick Time.

**WHEREAS,** the Multnomah Education Service District Board of Directors Policy Committee recommends approval of Board Policy GCBDD/GCBDD-Sick Time by the full Board.

**NOW THEREFORE BE IT RESOLVED,** that new Board Policy GCBDD/GCBDD-Sick Time is approved for first reading as written or as further modified; and

**BE IT FURTHER RESOLVED,** that if no further discussion is required, GCBDD/GCBDD-Sick Time is approved as proposed and does not require a second reading.

# Multnomah Education Service District

Code: GCBDD/GDBDD

Adopted: 9/20/2016

Reviewed/Readopted: 12/16/25

## Sick Time\*

~~“Employee” means an individual who is employed by the ESD 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. The definition does not include volunteers or independent contractors.~~ “Employee” means an individual as defined in ORS 653.601(1), including full-time, Part-time, temporary and seasonal employees but not independent contractors or volunteers.

Employees qualify to begin earning and accruing sick time on the first day of employment with the MESD.

An ESD employing 10 or more employees shall allow an eligible employee to access up to 40 hours of paid sick time per year. 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.

Up to 40 hours of accrued sick time may be carried over to the subsequent year, with a minimum accrual of no more than 80 hours. Under ORS 653.606 and 653.616 employers must allow sick time up to 40 hours /year minimum but may not cap usage be low total accrued. ~~usage limit of 40 hours per year.~~ Sick time shall be taken in minimum of quarter hour increments except when a licensed substitute is required, in which case sick time must be taken in increments of four hours. Licensed employees required to use said increments will be issued an undue hardship notice. Sick time may be used for the employee’s or 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 preventative care, or for reasons consistent with the Family Medical Leave Act (FMLA) or OFLA. Sick time may also be used in the event of a public health emergency. Sick time may be used for absences due to domestic violence, harrassment, sexual assault , or stalking as defined in ORS 659A.272 to 659A.290.

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

The MESD reserves the right after three consecutive days of absence, to require proof of personal illness or injury from an employee. ~~including a medical examination by a physician chosen and paid for by the ESD.~~ The MESD may require verification consistent with ORS 653.626 and OAR 839-007-0030. An employee refusing to submit to such an examination or to provide other evidence as required by the MESD, shall be subject to appropriate disciplinary action, up to and including dismissal.

When the reason for sick time is consistent with FMLA/OFLA leave, the sick time and the FMLA/OFLA

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leave will run concurrently.

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

If the reason for sick time is a foreseeable absence, the MESD will require the employee to provide advance notice of their intention to use sick time within 10 days of the requested sick time, or as soon as practicable. When the employee uses sick time for a foreseeable absence, the employee shall make a reasonable effort to schedule the sick time in a manner that does not unduly disrupt the operations of the MESD (e.g., grading deadlines, in-service training, and mandatory meetings).

~~If the reason for sick time is unforeseeable, such as an emergency, accident or sudden illness, the employee shall notify the ESD at least 12 hours in advance or as soon as practicable.~~

For foreseeable leaves provide notice 10 days or as soon as practicable; for unforeseeable leave, notice as soon as practicable before start of shift.

~~Unused sick time is forfeited upon termination, is not transferrable to other school districts and is not reportable to PERS.~~ Unused paid sick time not compensable at separation unless required by collective bargaining agreement. For accounting purposes, the district's leave year will match the fiscal year (July 1 through June 30).

The MESD shall establish a standard process to track the eligibility for sick time of a substitute. END OF POLICY

**Legal Reference(s):**

<a href="#">ORS 332.507</a>	<a href="#">ORS 342.610</a>	<a href="#">ORS 657B(PLO)</a>
<a href="#">ORS 342.545</a>	<a href="#">ORS 659A.150 to -659A.186</a>	<a href="#">OAR 839-007</a>
	<a href="#">ORS 653.601-653.661</a>	<del>SB 454 (2015)</del>

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).  
Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601-2654 (2006); Family and Medical Leave Act of 1993, 29 C.F.R. Part 825 (2006).  
Americans with Disabilities Act Amendments Act of 2008.

**Cross Reference(s):**

ACA - Americans with Disabilities Act  
GBDA - Mother Friendly Workplace  
GCBDA/GDBDA - Family Medical Leave