

Multnomah Education Service District

Code: **GCBD**

Adopted: 11/18/80

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Orig. Code(s): 3500; 3510; 3510-1; 3510-1A;
3510-2; 3511.4-6; 3520;
3510-1A, 3510-2; 4500; 4510;
3510-1

Sick Leave-Personal Illness and Injury Leave ~~Leaves and Absences~~

Sick leave ~~entitlement~~ is allowed to accrue at the rate of 10 days of each school year for each “school employee¹” for personal illness or injury ~~will accrue at the rate of 10 days each year~~ for one day per month employed, whichever is greater, as provided by Oregon ~~Revised Statutes~~ law. Twelve-month employees will accrue 1 day per month or 12 days each year. ~~All other employees who work less than 12 months will receive 1 day per month.~~

In accordance with state law, this leave will accumulate without limit.

~~The district reserves the right [after five consecutive days of absence,] to require proof of personal illness or injury from all employees, including a medical examination by a physician chosen and paid for by the district.~~ Sick leave in excess of five consecutive work days shall require a certificate from the employee’s attending physician, naturopathic physician or practitioner that the employee’s illness or injury prevents the employee from working. Any employee refusing to submit to such an examination or to provide other evidence as required by the district, shall be subject to appropriate disciplinary action, up to and including dismissal.

Other paid and unpaid leave will be determined by the MESD’s collective bargaining agreements.

All medical information will be kept confidential, in a separate file from personnel records, and released only in accordance with the requirements of the Americans with Disabilities Act or other applicable law.

Sickness or other unavoidable circumstances that prevent a teacher from teaching 20 school days immediately following exhaustion of sick leave accumulated under Oregon law, the Board will ~~result in the teacher being placed~~ place the teacher on unpaid leave for the remainder of the regular school year or until the teacher’s disability is removed and they are able to return to work. If the teacher is still unable to return to work the following August 1, the Board may terminate the teacher’s employment, subject to state and federal laws regarding family ~~illness~~ and medical leave.

All ESD-paid employee benefits, such as health and dental insurance, will cease on the last day of the month in which employment is terminated, or the staff member is placed on unpaid leave, unless the unpaid leave is in conjunction with state or federal ~~family medical leave~~ law. The staff member will be informed of their rights to remain a part of the ESD benefit plan at personal expense.

~~Any worker who has sustained a compensable personal injury or illness and is disabled and is unable to perform essential job functions, will be re-employed at such time as a physician issues a~~

¹ “School employee” includes all employees of the ESD.

~~Fitness-for-Duty-Certification. Such rights of re-employment are subject to seniority rights and other restrictions of the collective bargaining agreement between the employer and employee bargaining unit.~~

END OF POLICY

Legal Reference(s):

[ORS 332.507](#)
[ORS 342.545](#)

[ORS 342.610](#)
[ORS 659A.043](#)

[ORS 659A.046](#)
[OAR 581-024-0245](#)

Knapp v. North Bend, 304 Or. 34 (1987).

Consolidated Omnibus Budget Reconciliation Act of 1985, 29 U.S.C. §§ 1161-1169 (20122024).

Employee Retirement Income Security Act of 1974, 29 U.S. C. §§ 1001-1461 (20122024).

Americans with Disabilities Act of 1990/[Americans with Disabilities Act Amendments Act](#), 42 U.S.C. §§ 12101-12213 (20122024); 29 C.F.R. Part 1630 (20162025); 28 C.F.R. Part 35 (20162025).

Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601-2654 (20122024); Family and Medical Leave Act of 1993, 29 C.F.R. Part 825 (20162025).

Americans with Disabilities Act Amendments Act of 2008.