

**Linn Benton Lincoln
Education Service District**

Code: **GDBDD/GCBDD**
Revised: 2/12/2019

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. Nothing in this policy impacts the ESD’s sick leave obligation under Oregon Revised Statute (ORS) 332.507.

Employees qualify to begin earning and accruing sick time on the first day of employment with the ESD. For the purposes of sick time only the first date of employment is considered the day an employee completes and provides the ESD with all required paperwork necessary to establish their employment.

For all full or part time represented licensed employees and full or part time regular classified employees and administrators paid sick time of 40 hours shall be front-loaded at the beginning of the fiscal year. Employees who are not employed for a full year will be front-loaded a prorated amount based on actual work days for the year.

For Temporary Professional Employees or Substitute Employees paid sick time shall accrue at the rate of at least one hour for every 30 hours or 1-1/3 hours for every 40 hours the employee works.

An 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 fiscal year.

Sick time shall be taken in increments rounded to the nearest quarter of an hour *except for licensed substitute employees who must take sick time in 4 hour increments*. Sick time may be used for reasons that are consistent with the Family Medical Leave Act (FMLA) and the Oregon Family Leave Act (OFLA) including the employee’s or family member’s¹ 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; need for preventive care; parental leave (FMLA and OFLA), sick child leave and bereavement leave (OFLA only). Sick time may also be used in the event of a public health emergency and to address situations involving domestic violence, harassment that is considered criminal under Oregon state law, sexual assault or stalking.

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

The ESD reserves the right after five consecutive days of absence, to require proof of personal illness or injury from an employee. This may include requesting a medical examination by a physician chosen and paid for by the ESD. The medical verification must be received within 15 calendar days of the request by the ESD. An employee refusing to submit to such an examination or to provide other evidence as required by the ESD, shall be subject to appropriate disciplinary action, up to and including dismissal.

¹“Family member” is defined by the Oregon Family Leave Act (OFLA).

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

When the reason for sick time is consistent with applicable leaves contained in Board Policy, the licensed collective bargaining agreement, the classified Handbook or the Administrator/Specialist Handbook covering an employee, sick time and applicable leave will run concurrently.

If the reason for sick time is a foreseeable absence, the ESD requires the employee to provide advance notice of their intention to use sick time as soon as practicable. When 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 ESD.

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

Accrued sick time has no value upon termination. However, if an employee leaves employment with LBL and is re-employed within 180 days, LBL will restore their sick time balance.

The ESD shall establish a standard process to track the eligibility for sick time of temporary and substitute employees.

END OF POLICY

Legal Reference(s):

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

[ORS 342.610](#)
[ORS 659A.150 to -659A.186](#)

SB 454 (2015)

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.