

Technical Assistance for Employers

Oregon Sick Time

Q. What is Oregon Sick Time?

A. Beginning January 1, 2016, all employers with more than 10 employees (6 in Portland) in Oregon must provide up to 40 hours of paid leave per year. Employers with less than 10 employees (less than 6 in Portland) must provide 40 hours of unpaid protected sick time.

Q. How does Oregon Sick Time accrue?

A. Employees accrue 1 hour of sick time for every 30 hours worked or 1-1/3 hours for every 40 hours worked.

Q. When are employees eligible to take Oregon Sick Time?

A. Employees are eligible for Oregon Sick Time on their 91st day of employment.

Q. What if I have 11 employees but only for a short period of time as seasonal employees?

A. For counting purposes, all employees (full-time, part-time, and temporary) will be looked at for determining the number of employees an employer has. The number of employees is calculated based on the number of employees an employer has per day during each of 20 workweeks in the calendar or fiscal year immediately preceding the year in which an employee's sick time is to be taken.

Q. What is meant by a Year? How is it measured?

A. "Year" includes any consecutive 12-month period, such as a calendar year, a tax year, a fiscal year, a contract year or the 12-month period beginning on the anniversary of the date of employment.

Q. How much is an employee paid for Oregon Sick Time?

A. Their regular rate of pay. If an employee is paid on a commission or piece-rate, the employee needs to be paid at least Oregon minimum wage.

Q. Does an employer have to pay sick time out when an employee leaves employment?

A. No. The statute is specific. An employer does not have to pay out for accrued unused sick time.

Q. What if an employer has an existing sick time or PTO?

A. If this plan is, "substantially equivalent" or more generous to the employee than the minimums of the law, this policy shall be deemed, "in compliance."

DISCLAIMER

Nothing on this website is intended as legal advice. Any responses to specific questions are based on the facts as we understand them, and

not intended to apply to any other situations. This communication is not an agency order. If you need legal advice, please consult an attorney. We attempt to update the information on this website as soon as practicable following changes or developments in the laws and rules affecting Oregon employers, but we make no warranties or representations, express or implied, about whether the information provided is current. We urge you to check the applicable statutes and administrative rules yourself and to consult with legal counsel prior to taking action that may invoke employee rights or employer responsibilities or omitting to act when required by law to act.

800 NE Oregon Street
Ste 1045
Portland, OR 97232

971-673-0824

bolita@boli.state.or.us

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Bureau of Labor and Industries

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THIS INFORMATION IS AVAILABLE IN AN ALTERNATE FORMAT.