

Subject: **Sick Leave Policy for Non-Benefitted/Non-Bargaining Employees**

Board Order W-03  
Effective January 1, 2016

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Effective January 1, 2016, all employers in Oregon are required to provide paid sick leave to employees (“Oregon Sick Time Law”). This policy is for all non-benefitted employees not covered by the applicable collective bargaining agreement, including: hourly, part-time (less than 0.5 FTE), temporary, and seasonal employees (“Applicable Employees”). Per Oregon Bureau of Labor and Industries (BOLI), the “Oregon Sick Time Law” does not apply to employees who are covered by or associated with a collective bargaining agreement. All current Yamhill County collective bargaining agreements already provide those employees with either sick leave or flexible earned time (FET), which complies with the Oregon Sick Time Law. Contract employees with Paid Time Off (PTO) or sick leave included in their contract employment agreements are also exempt from the Oregon Sick Time Law and this policy, as long as the PTO or sick leave benefit that is provided in their contract employment agreement is substantially equivalent to or more generous than the requirements of the Oregon Sick Time Law.

**Accrual** – Applicable Employees will accrue sick time at a rate of 0.0333 hours for each hour worked. Annual accrual of sick leave shall not exceed 40 hours per year. For the purposes of this policy, a “year” is the fiscal year that begins on July 1 and ends on June 30. Any accrued and unused balances of sick leave have no cash value and are not paid-out at termination or resignation; however, if the applicable employee is re-employed with the County within 180 days of separation, their prior sick leave balance will be restored. Applicable Employees may carry over up to 40 hours of unused sick time from one year to the next.

For Applicable Employees who are hired into a benefit eligible and/or bargaining unit position with the county, any unused balances of sick leave will not be carried over to the new position and the Applicable Employee will accrue time off per the applicable collective bargaining agreement.

Applicable Employee sick leave balances will be provided on Notice of Deposit or paycheck statements.

**Eligibility and Usage** – Applicable Employees are eligible to use accrued paid sick leave beginning on their 91<sup>st</sup> day of employment. Applicable Employees can use up to 40 hours of accrued sick leave per fiscal year, sick leave will be paid at the Applicable Employee’s regular rate, and sick leave can be used for the following purposes:

- To care for an infant or newly adopted child under 18, or for a newly placed foster child under 18, or for a child over 18 if the child is incapable of self-care because of mental or physical disability.
- To care for a family member with a serious health condition.

- To recover from or seek treatment for a serious health condition that renders the Applicable Employee unable to perform at least one of the essential functions of the Applicable Employee’s job.
- To care for a child of the Applicable Employee who is suffering from a non-serious illness, injury or condition.
- To deal with the death of a family member by attending the funeral or alternative, making arrangements necessitated by the death of a family member, or grieving the death of a family member.
- To seek legal or law enforcement assistance or remedies to ensure the health and safety of the Applicable Employee or the Applicable Employee’s minor child or dependent for proceedings related to domestic violence, harassment, sexual assault, or stalking.
- To seek medical treatment, recover from injuries, or obtain services related to domestic violence, sexual assault, harassment or stalking incidents to the Applicable Employee or Applicable Employee’s minor child or dependent.
- For certain public health emergencies.

Qualifying family members include: spouse, parent, child, parent-in-law, grandparent, grandchild or same-gender domestic partner (as defined by ORS 659A.150).

Applicable Employees must use accrued sick time in hourly increments. Applicable Employees who use sick time during a pay period are to record the time on their timesheet, using the appropriate payroll code for “sick leave”.

**Leave Donations** – Yamhill County does not have a policy that allows the donation of sick leave, therefore the donation of sick leave from one employee to another is not allowed.

**Supervisor notification and verification** – As per current County Policy, any employee who is unexpectedly unable to report for their scheduled shift on time or unable to work the full shift, is expected to notify their supervisor as soon as possible. Each department may have an individual policy that provides specific reporting instructions, so all employees should also refer to that internal policy. If the absence continues for more than one day, all employees are required to telephone their supervisor each day, at the beginning of the employee’s normal work hours, unless other arrangements have been approved by the supervisor. All employees may be required to provide a doctor’s note to verify the nature of the illness and the time required to recover.

**Employee Notification** – Upon adoption, written notice of this policy will be provided to all new employees during future New Employee Orientations and current Applicable Employees will be provided a copy via a County-wide email. An electronic copy will also be available for view on the County’s internal intranet site and can be provided to Applicable Employees upon request. To also satisfy the Oregon Sick Time Law’s written notice requirements, a copy of the BOLI’s “Oregon Sick Time Law” Notice will be distributed to departments for posting in a “conspicuous and accessible location in each workplace”.

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Accepted by Yamhill County  
Board of Commissioners on  
1-7-16 by Board Order  
# 16-03