

March 18, 2013

City of Portland's Sick Leave Ordinance

Beginning January 1, 2014, private employers will be required to provide 40 hours of sick leave each year to eligible employees who work within Portland's city limits. Portland joins a small handful of jurisdictions across the nation (including San Francisco, Seattle, and Washington, D.C.) that require employers to give employees time off, in what appears to be a growing national trend. Similar bills have been introduced in the Oregon State Legislature.

Under the City ordinance, employers with six or more employees must provide paid leave. Employers with fewer than 6 employees may provide unpaid leave. Employers that already provide sick leave or paid time off equivalent to or in excess of what the ordinance requires do not need to make any changes.

The City ordinance applies only to employees that work within city limits for at least 240 hours per calendar year. A covered employer must provide at least one hour of paid sick time for every 30 hours worked, and must allow the employee to begin using any accrued leave after 90 calendar days of employment. Employees are entitled to carry over up to 40 hours of unused leave into subsequent years.

Under the adopted ordinance, employees would be entitled to use accrued sick leave for the following purposes:

- Diagnosis, care, or treatment of the employee's or the employee's family member's, mental or physical illness, injury or health condition including, but not limited to, pregnancy, childbirth, post-partum care and preventive medical care;
- Purposes described in ORS 659A.272 Domestic Violence, Harassment, Sexual Assault or Stalking;
- Absences from work due to:
 - Closure of the employee's place of business or the school or place of care of the employee's child, by order of a public official due to a public health emergency;
 - Care for a family member when it has been determined by a lawful public health authority or by a health care provider that the family member's presence in the community would jeopardize the health of others; and
 - Any law or regulation that requires the employer to exclude the employee from the workplace for health reasons.

Under the ordinance, “family member” is defined as the spouse or domestic partner of an employee; the biological, adoptive or foster parent or child of the employee; the grandparent or grandchild of the employee; a parent-in-law of the employee; or a person with whom the employee was or is in a relationship *in loco parentis*.

The ordinance contains posting and record-keeping requirements for employers, and delegates enforcement powers to the Oregon Bureau of Labor and Industries.

The City will begin drafting rules to provide further guidance prior to implementation. In the meantime, employers should review their current sick leave policies and determine whether any changes will be needed.

You can find the [adopted ordinance here](#).

If you have any questions about this ordinance or any other employment matter, please contact Lisa Amato at laa@wysekadish.com or 503.228.8448.

Lisa A. Amato

Lisa advises clients in employment law, represents employers and management in employment litigation, wage and hour issues, and assists federal contractors with affirmative action and compliance.