


Overview of Paid Sick Time Laws in the United States

Please note that these paid sick time materials do not represent an exhaustive overview of the state, county, and city paid sick time laws described, and it does not constitute legal advice. It is possible that additional provisions not described in these materials may apply to a worker's specific circumstances or category of employment.

 <p>For more information visit A Better Balance (abetterbalance.org)</p>	Oregon
Who is covered? Note: City/county paid sick time laws cannot cover state government workers, and city, county, and state paid sick time laws cannot cover federal government workers.	Workers employed in Oregon are covered. Independent contractors, certain work study students, certain railroad workers, and individuals employed by their parent, spouse, or child are exempted.
Can sick time be used to care for loved ones?	Yes: children; spouses; registered domestic partners; parents; parents of a spouse or registered domestic partner; grandparents; and grandchildren.
How is "child" defined?	Biological, adopted, or foster child, or a child of a worker standing in loco parentis to the child. According to current regulations in Oregon, this definition of child also includes a stepchild or the child of a same-sex domestic partner.
Can sick time be used for specific "safe time" purposes (related to domestic violence, sexual assault, or stalking)?	Yes, but only when the worker or the worker's minor child or dependent is the victim.
Can sick time be used under the law to bond with a new child and/or deal with a family member's death? Note: It is possible that other laws, such as the Family and Medical Leave Act or a state equivalent, could provide eligible workers with unpaid leave for these purposes.	Yes: 1) to bond with a newborn, newly adopted, or newly placed foster child under age 18; or 2) to deal with the death of a family member (including to attend the funeral, grieve, make arrangements).
Can sick time be used when a worker's place of work or child's school/place of care is closed by public health officials for a public health emergency?	Yes.
Rate at which workers earn paid sick time?	1 hour for every 30 hours worked or 1 and 1/3 hours for every 40 hours worked (for both paid and unpaid sick time, as described below).
Do workers have different sick time-related rights based on the size of their employer? If so, based on what employer-size threshold(s)?	Yes. Workers in businesses with at least 10 workers (or at least 6 workers, for businesses located in Portland) can earn up to 40 hours of paid sick time per year. Workers in businesses with fewer than 10 workers (or fewer than 6 workers for businesses located in Portland) can earn up to 40 hours of unpaid, job-protected sick time per year.

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<p>Amount of paid sick time that can be earned under the law per year? (Note: All of these paid sick time laws make it clear that these laws establish a minimum requirement, and employers can provide greater or more generous paid sick time benefits to their workers.)</p>	<p>Larger businesses: Workers in businesses with at least 10 or more workers: up to 40 hours of paid sick time a year Employers located in Portland: If a business is located in Portland (including maintaining any office, store, restaurant, or establishment in the city) and has at least 6 workers anywhere in Oregon, workers have the right to earn up to 40 hours of paid sick time a year. Smaller businesses: Workers in businesses with fewer than 10 workers (or fewer than 6 workers if the business is located in Portland): up to 40 hours of unpaid, job-protected sick time a year. Special rule for some home care workers: Certain home care workers who are hired directly by the client but whose compensation is funded in whole or part by payments from the State, county, or a public agency must receive up to 40 hours of paid time off a year (including but not limited to sick time).</p>
<p>When do workers begin to earn paid sick time?</p>	<p>At the commencement of employment. Workers aren't entitled to use earned sick time until the 91st calendar day of employment with the employer.</p>
<p>Does unused sick time carry forward to the subsequent year?</p>	<p>Workers are entitled to carry forward up to 40 hours of unused sick time. An employer may adopt a policy: limiting the amount of sick time that can be earned to no more than 80 hours; or limiting use of sick time to no more than 40 hours a year. Carry forward is not required if the following elements are met: 1) the worker and the employer mutually agree not to carry forward the time; 2) the employer credits the worker with an amount of sick time that meets the law's requirements up front at the start of the subsequent year; and 3) if the employer has 10 or more workers in OR, the employer pays the worker for all unused paid sick time at the end of the year in which it is earned.</p>
<p>Private Right of Action to go to Court?</p>	<p>Yes.</p>
<p>Are there waivers/ exemptions for workers covered by a valid Collective Bargaining Agreement (CBA)?</p>	<p>Until January 1, 2023, the law exempts workers whose terms and conditions of employment are covered by a CBA if their employment-related benefits are provided by a joint multi-employer-employee trust or benefit plan and they are employed through a hiring hall or similar referral system operated by the labor organization or third party. Note that as of January 1, 2023, new provisions (https://olis.oregonlegislature.gov/liz/2021R1/Measures/Overview/SB588) regarding paid sick leave and workers covered by a CBA will take effect.</p>
<p>What Agency or Official Enforces the Law?</p>	<p>The Oregon Bureau of Labor and Industries</p>

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<p>For the statewide paid sick time laws: can cities in the state pass paid sick time laws that are broader than the state law?</p>	<p>No. The Oregon law preempts—or prohibits—cities from passing their own paid sick time laws. However, in response to Portland’s more generous paid sick time law (in effect when the state bill was passed), the statewide paid sick time law requires that employers located in Portland with at least 6 workers (anywhere in Oregon) must provide paid sick time to their workers.</p>
<p>Statutory Citation(s)</p>	<p>Or. Rev. Stat. §§ 653.256 et seq., 659A.885</p>
<p>Additional Notes</p>	<p>Oregon’s Legislature passed a statewide paid sick time law on June 12, 2015, and the law went into effect on January 1, 2016. The law preempts—or prohibits—local governments from passing paid sick time laws. As a result, Eugene’s paid sick time law—passed in July 2014 and originally scheduled to go into effect on July 1, 2015—did not take effect. On the other hand, Portland passed a paid sick time law in March 2013, and it went into effect on January 1, 2014, prior to passage of the statewide law. Although Oregon’s paid sick time law blocked localities from passing paid sick time laws and preempted Portland’s law, the Portland law influenced a key provision of the statewide law. As described in this chart, the employer size threshold for providing paid sick time is lower for employers who are located in Portland (including maintenance of any office, store, restaurant, or establishment in the city). As described in the chart, an employer located in Portland that employs at least six workers anywhere in Oregon must provide its workers with paid sick time, and smaller employers located in Portland must provide unpaid sick time. For employers who are not located in Portland, the size threshold for providing paid sick time is 10 or more workers (with smaller employers providing unpaid sick time). Eugene and Portland have been removed from this comparison chart. For more information about Oregon’s sick time law, see http://www.oregon.gov/BOLI/TA/pages/index.aspx.</p>