

AR 7342 Sick Leave

References:

AR 7340
Appendix B1
Previous BP 311, 312
Family Medical Leave Act 1993
State of Oregon Family Medical Leave Law
Related to Administrative Rule Number: AR C002

Paid Sick Leave

Tillamook Bay Community College provides paid sick leave to college employees as required under federal and state law. Sick leave hours are provided only for the employee's own illness or injury, or to care for a family member (as defined below).

A. Eligibility

- a. Eligible employees, as described in the Benefits Chart in Appendix B-1, shall earn paid sick leave as outlined in the Benefits Chart.
- b. Eligible part-time employees .5 -.99 shall earn prorated sick leave on the basis of FTE.
- c. Full-time employees who work less than a full-time schedule (unpaid leave or professional leave) for a temporary period will earn prorated sick leave on the basis of FTE.
- d. Effective January 1, 2016; under SB 454, employees less than .5 FTE shall earn sick leave. Sick leave shall be earned as described in the Benefits Chart in Appendix B-1.
- e. Part-time employees less than .5 FTE and adjunct faculty may earn up to a maximum of 40 hours of sick leave a year. Maximum accrual of sick leave is 80 hours. Maximum use of sick leave is 40 hours per year.
- f. In the event of a change in an employee's FTE, in which the new FTE is .5 or greater, sick leave will be prorated on the basis of the new FTE. Previously accrued sick leave will remain with the employee. In the event of a change in an employee's FTE, in which the new FTE is less than .5 sick leave shall be earned as described in the Benefits Chart in Appendix B-1.
- g. Upon termination of employment accrued sick leave shall not be compensated for unless otherwise allowed under ORS.238.350. The College provides

regular notification to each employee of the amount of accrued and unused sick leave by written notice in the employee's paycheck.

h. "Family members", **unless indicated elsewhere** and where allowed under federal and state law, means a(n): spouse, child of the employee, custodial parent, noncustodial parent, biological parent, adoptive parent, step or foster parent, in loco parentis when the employee was a child, domestic partner (including same gender), child of domestic partner (including same gender), grandparent, grandchild, parent-in-law or parent domestic partner (including same gender). Siblings, spouse or domestic partner (including same gender) of a sibling, and individual relate by blood or affinity whose close association with the covered individual is the equivalent of a family member.

B. Scheduling

a. In the event of illness or injury as applied to this section, the employee shall make a reasonable attempt to notify the employee's supervisor before or at the beginning of each scheduled workday. Each day's absence shall be reported on the monthly time sheet or leave record upon the employee's return to work and shall be applied against any unused sick leave.

b. In the event of illness or injury of an employee's immediate family which necessitates the employee's absence, unused sick leave may be used to a maximum of three days in any one instance. At the discretion of the College President or those designated by the College President, the three- day period may be extended in exceptional circumstances.

c. If an illness or injury exhausts unused sick leave, then vacation days, accumulated compensatory time and/or unpaid leave may be taken, only if said leave does not jeopardize the efficient operation of the College as determined by the College President or those designated by the President.

d. A doctor's note may be required by the employee's supervisor for any sick leave referred to above.

e. The definition of "leave year" for OFLA and PLO purposes will be "begin on the Sunday immediately preceding the date on which family leave commences."

C. Use of Sick Leave

Sick leave may be used for the following purposes:

a. For the employee's 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; or need for preventive medical care;

- b. For care of a family member with a mental or physical illness, injury or health conditions; care of a family member who need medical diagnosis, care or treatment of a mental or physical illness, injury or health condition; or care of a family member who needs preventive medical care;
- c. 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.
- d. To care for a family member with a serious health condition
- e. To recover from or seek treatment for a serious health condition that renders the employee unable to perform at least one of the essential functions of the employee's job.
- f. To care for a child of the employee who is suffering from a non-serious illness, injury or condition.
- g. 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.
- h. To seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's minor child or dependent for proceedings related to domestic violence, harassment, sexual assault, or stalking.
- i. To seek medical treatment, recover from injuries, or obtain services related to domestic violence, sexual assault, harassment or stalking incidents to the employee or employee's minor child or dependent.

Unpaid Sick Leave - Family Medical Leave

The College will comply with all provisions of the Family and Medical Leave Act (FMLA) of 1993 and the Oregon Family Leave Act (OFLA) of 1995.

A. Family Medical Leave Act

- a. Unpaid leave for eligible employees will be provided to care for themselves or family members in cases of illness, injury, childbirth and adoption.
- b. "Family members" for the purpose of FMLA leave means a (n): spouse, child of the employee, custodial parent, noncustodial parent, biological parent, adoptive parent, step or foster parent, in loco parentis when the employee was a child.
- c. In order to be eligible for the benefits under FMLA, an employee must have been employed by the College for at least 12 months and have worked at least 1250 hours during the past 12-month period.

d. Employees who qualify for FMLA leave will have continued health care insurance coverage. Employees shall be responsible for any health insurance premium costs in excess of the current benefit amount paid by the College.

B. Oregon Family Leave Act (OFLA)

a. Leave under OFLA that qualifies as protected leave under FMLA or PLO must be taken concurrently with, and not in addition to, any leave under FMLA and PLO.

b. Unpaid leave for eligible employees will be provided for:

- Home care for the employee's child (both serious and non-serious health conditions) as well as school and childcare closures for public health emergencies
- Bereavement is limited to 2 weeks per family member with a maximum of four weeks in a given leave year
- Pregnancy disability - OFLA provides up to 12 additional weeks of unpaid leave for pregnancy disability)
- Military family leave — up to 14 days per deployment — will continue to count against available OFLA.
- From July 1, 2024, through December 31, 2024, OFLA will also provide up to two additional weeks of leave to facilitate the legal processes required for placement of a foster child or adoption. (Paid Leave will incorporate this leave beginning 2025.)
- **As of July 1, 2024:** Parental Leave is no longer covered under OFLA, though it might be covered under PLO or FMLA.

c. "Family members" for the purpose of OFLA leave means a(n): spouse, child of the employee, custodial parent, noncustodial parent, biological parent, adoptive parent, step or foster parent, in loco parentis when the employee was a child, same-gender domestic partner, child of same-gender domestic partner, grandparent, grandchild, parent-in-law or parent of same-gender domestic partner. Siblings, spouse or domestic partner of a sibling, and individual relate by blood or affinity whose close association with the covered individual is the equivalent of a family member.

d. In order to be eligible for benefits under OFLA, an employee must work an average of 25 hours per week and have been employed at least 180 days prior to the first day of the family medical leave of absence.

C. Paid Leave Oregon (PLO)

a. Leave under OFLA that qualifies as protected leave under FMLA or PLO must be taken concurrently with, and not in addition to, any leave under FMLA and PLO.

b. Paid leave for eligible employees will be provided to care for themselves or family members with a serious health condition or care and bonding with a child in the first year after birth, adoption or placed through foster care.

Care for family member with serious medical reason
Care for yourself
Safe leave for yourself or child,
Pregnancy disability

c. "Family members" for the purpose of Paid Leave Oregon means a(n): spouse or domestic partner, child (biological, adopted, stepchild, or foster child), spouse or domestic partner's child, or the child's spouse or domestic partner, parent (biological, adoptive, stepparent, foster parent, or legal guardian), the parent of your spouse or domestic partner, or your parent's spouse or domestic partner, sibling or stepsibling or their spouse or domestic partner, or a grandparent or grandparent's spouse or domestic partner, a grandchild or a grandchild's spouse or domestic partner. Or any individual related by blood or affinity whose close association with the covered individual is the equivalent of a family member.

d. Employees who work in Oregon and make at least \$1,000 in Oregon in their base year before the potential start date of their leave can apply for Paid Leave benefits. Eligible work can be full time, part time, seasonal, or with one or more employers.

e. Provides employees with up to 12 weeks of leave per year with partial wage replacement funded through payroll contributions. The employer will follow Oregon Paid Leave Oregon program (currently known as Oregon Paid Leave) and Oregon Employment Department (OED) regulations with the following modifications/clarifications:

f. Tillamook Bay Community College will allow employees to supplement the PLO weekly benefit amount by using their accrued sick and/or vacation time up to 100% of their wages. For example, if the employee's PLO weekly benefit amount is 80% of their weekly wage, they may use their accrued sick or vacation in order to receive the equivalent of their full weekly wage.

D. Public Health Emergency

a. To qualify for OFLA due to a public emergency an employee must have been employed for 30 days prior to commencing leave and worked an average of 25 hours per week in the 30 days prior to commencing leave. Reference: Appendix B1, 311.1, Family Medical Leave Act 1993, State of Oregon Family Medical Leave Law.

b. Employees who qualify for OFLA leave will have continued health care insurance coverage. Employees shall be responsible for any health insurance premium costs in excess of the current benefit amount paid by the College.

- c. Under OFLA an eligible employee is entitled to take up to two weeks bereavement leave following the death of a family member as defined by OFLA. The employee must complete the leave within 60 days of learning of the death.
- d. Federal and state leave entitlements generally run concurrently.
- e. Absence beyond the entitlement provided in State and Federal law will be treated as Extended Leave of Absence.

Injured Worker Reinstatement Rights

Upon written request, an employee who is injured on the job is entitled to return to their former position when able to perform the duties of the former position if the position is available consistent with the requirements of ORS 659A.043. If the employee suffers a compensable injury and is disabled from performing the duties of the employee's former regular employment, a timely demand may be made for reemployment in a suitable position if available consistent with ORS 659A.046.

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