



Code: GCBDD/GDBDD  
Adopted: 10/17/2017

## Sick Time\*

"Employee" means an individual who is employed by the ESD and who is paid on an hourly, stipend or salary basis, and for whom withholding is required under Oregon Revised Statute (ORS) 316.162-316.221. The definition does not include volunteers or independent contractors.

Employees qualify to begin earning and accruing sick time on the first day of employment with the ESD.

**Category One employees are Licensed Teachers as defined by ORS 342.120 and Instructional Classified employees: ABA Assistants, Education Assistants, Supporting Education Assistants and Speech Language Pathologist Assistants**

Paid sick time of 56 hours shall be front-loaded to Category One Employees at the beginning of each school year.

**Category Two employees include and are limited to Classified, Confidential, Licensed Administrators, Unlicensed Administrators, and Licensed Non-teachers**

Paid sick time of 40 hours shall be front-loaded to Category Two employees at the beginning of each school year.

**Category Three employees includes Licensed Substitute Teachers, Seasonal Employees, Unlicensed Substitutes and all other employees who are not a Category One or Category Two employee.**

Paid sick time shall accrue at the rate of at least one hour of paid sick time for every 30 hours the category three employee works, or 1-1/3 hours for every 40 hours that employee works.

Category One employees may carry up to 40 hours of unused sick time from one year to the subsequent year, accruing no more than 80 hours of sick time and using no more than 56 hours of sick time in a year.

Category Two and Category Three employees may carry up to 40 hours of unused sick time from one year to the subsequent year, accruing no more than 80 hours of sick time and using no more than 40 hours of sick time in a year.

Category One employees shall take sick time in two (2) hour minimum increments and may be used for the employee's or a family member's<sup>1</sup> 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 care, or for reasons consistent with the Family Medical Leave Act (FMLA) or Oregon Family Leave (OFLA). Sick time may also be used in the event of a public health emergency.

Category Two and Category Three employees shall take sick time in hourly increments and may be used for the employee's or a family member's<sup>2</sup> 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 care, or for reasons consistent with the (FMLA) or (OFLA). Sick time may also be used in the event of a public health emergency.

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<sup>1</sup>Family member" is defined by the Oregon Family Leave Act (OFLA).

<sup>2</sup>Family member" is defined by the Oregon Family Leave Act (OFLA).

The ESD reserves the right after five (5) consecutive days of absence to require proof of personal illness or injury from an employee, including a medical examination by a physician chosen and paid for by the ESD. An employee refusing to submit to such an examination or to provide other evidence as required by the ESD shall be subject to appropriate disciplinary action, up to and including dismissal.

When the reason for sick time is consistent with FMLA/OFLA leave and bereavement benefits as provided to other District employees, the sick time and the FMLA/OFLA leave will run concurrently.

When the reason for sick time is consistent with ORS 332.507 and sick leave benefits as provided to other District employees, the sick time and leave pursuant to ORS 332.507 will run concurrently.

If the reason for sick time is a foreseeable absence, the ESD may require the employee to provide advance notice of their intention to use sick time within 10 days of the requested sick time, or as soon as practicable. When the employee uses sick time for a foreseeable absence, the employee shall take reasonable effort, in conjunction with the employee's supervisor, to schedule the sick time in a manner that does not unduly disrupt the operations of the ESD (e.g., grading deadlines, inservice training, mandatory meetings).

If the reason for sick time is unforeseeable, such as an emergency, accident or sudden illness, the employee shall notify the ESD in advance or as soon as practicable.

END OF POLICY

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**Legal Reference(s):**

[ORS 332.507](#)  
[ORS 342.545](#)

[ORS 342.610](#)  
[ORS 659A.150 to -659A.186](#)

SB 454 (2015)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).  
Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601-2654 (2006); Family and Medical Leave Act of 1993, 29 C.F.R. Part 825 (2006).  
Americans with Disabilities Act Amendments Act of 2008.  
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