

ARTICLE _____ SICK LEAVE

Section 1, General.

(a) Sick leave may be used for an employee's own illness, injury, or other health condition, including medical and dental appointments.

Sick leave may also be used by [victims of domestic violence, criminal harassment, sexual assault or stalking](#) and to care for a family member as provided in the City's Human Resource Administrative Rules and/or by state and federal law.

(b) Employees shall earn sick leave from their date of hire.

(c) Regular employees, including those in probationary status, shall be eligible for use of earned sick leave after thirty (30) days of full-time employment with the City.

(d) Full-time employees shall accrue four (4) hours of sick leave for each two (2) weeks of service unless the employee is in non-pay status for an entire pay period.

(e) Employees who share a budgeted full-time position and serve a minimum of forty(40) hours each pay period shall be allowed to accrue sick leave at one-half the full-time rate. Regular part-time employees who serve at least forty (40) hours but less than seventy-two (72) hours each pay period shall be allowed to accrue sick leave in accordance with the number of hours served.

(f) Sick leave credits shall be allowed to accrue during the first twelve (12) months of any continuous absence due to an accepted worker's compensation claim.

(g) Non-protected Dependent Sick Leave. In situations where an employee's family member (spouse, domestic partner, parent, grandparent, grandparent in-law, step child, child in-law, grandchild, sibling, step sibling, step parent, step grandparent, sibling in-law, parent in-law, and equivalent relative of an employee with a domestic partner, and individuals related by close affinity, including relationships such as unmarried partners, household members, "chosen family", and any person with whom the employee has a significant personal bond that is like a familial relationship, regardless of biological or legal relationship) becomes ill or injured and alternate means of transporting or caring for such person cannot be arranged immediately by the employee, the employee shall be permitted to use leave in accordance with HRAR 6.05 and the Paid Oregon Family Leave Act. Employees who use dependent care leave under this Article on more than three (3) occasions in a calendar year may be required to provide a medical certification for all subsequent use of close affinity leave in a calendar year and will be informed about their rights to apply for FMLA/OFLA.

Section 2, Sick Leave Use.

An employee will be entitled to use a maximum of three (3) consecutive calendar days' sick leave without a doctor's certificate. If an employee is on sick leave prior to regular

weekly scheduled days off, the scheduled days off will not be counted for the purpose of requiring a doctor's certificate.

If medical certification is requested, subject to state law, the City is required to pay any associated costs for the employee to provide medical verification or certification, including lost wages that are not paid under a health benefit plan in which the employee is enrolled. The City may not require that the verification or certification explain the nature of the illness or details related to domestic violence, sexual assault, harassment, or stalking that necessitates the use of sick time.

Prior to taking any corrective or disciplinary action concerning sick leave usage, management will meet with the employee to discuss the absences. and provide counseling. The purpose of this meeting is to:

1. Notify the employee there are concerns related to their sick leave use;
2. Assist the employee in reducing the amount of sick leave if/when possible. ;

. The employee may request that a Union representative is present during sick leave usage counseling.

Sick leave usage may be cause for disciplinary action up to and including discharge for instances included, but not limited to:

1. Absences that are not bona fide sick leave purposes as outlined herein or in the City of Portland Human Resources Administrative Rules.
2. Sick leave usage recurring in conjunction with scheduled days off, vacation days, "prime days" or some other specific pattern of usage. Patterns of leave shall not be the sole basis for disciplinary action.

Section 3, Industrial Leave.

During an absence for an industrial accident or disease which has been accepted by Risk Management or determined by the Workers Compensation Department to be compensable, the City shall maintain the employee's health and welfare benefits for the duration of the time loss payments, provided the employee was eligible for City-paid benefits at the time of the accident or disease and remains employed by the City during the absence.

Section 5, Maximum Accumulation.

There is no maximum amount of sick leave an employee may accrue.

Section 6, Unused Sick Leave on Retirement.

For Tier I and Tier II employees, the City agrees to convert unused sick leave credits, upon retirement, to a PERS Supplement, as contemplated by Chapter 238 or 238A of the Oregon Revised Statutes.

Section 7, Supplemental Pay.

(a) During an absence due to an industrial accident which has been accepted by Risk Management, any employee covered by this agreement shall be entitled to receive an income supplement from the City for as many days as the employee had accrued sick leave prior to the accident. The amount of supplement is designed to provide the employee with no more net compensation while on time loss than they would have received while working their regular hours.

(b) On an employee's date of hire, the employee shall be credited with a total of fifteen (15) days of industrial accident leave. Such leave shall be available for time lost because of industrial injury for two years from the employee's date of hire. Such leave credits shall be used prior to the supplement outlined in subsection (a) above.

(c) Payments made by the City under subsections (a) and (b) shall not be charged to accrued sick leave.

Section 8, Offset for Dual Payments of Sick Leave and Time Loss.

The City and the Union agree that no employee should receive full wages in paid sick leave while also receiving time loss payments on a workers' compensation claim. The parties therefore agree as follows:

(a) Where the dual payment results from the employee filing a claim for time loss payments for an injury or disease after the employee has taken paid sick leave for the same condition, the City may recoup the sick leave paid, either by deductions from gross wages per pay period in an amount not exceeding 20% gross wages until the total overpayment is recouped, or the City and the employee may, by mutual agreement, provide for some other means for repayment. Upon repayment of the total amount of the excess, the employee's sick leave account shall be credited with the sick leave used.

(b) Where the dual payment results from the City's denial of a worker's compensation claim which ultimately is determined to have been compensable, the overpayment may not be recovered by the City through payroll deductions, nor may the sick leave used be recredited to the employee's account, unless the City and employee agree and arrange, in writing, for recovery and recrediting.