

Responsible Officer: AVP for Human Resources Responsible Office: Human Resources

SICK LEAVE POLICY

I. Policy Statement

Portland State University (PSU) provides eligible employees with paid sick leave in accordance with State and Federal laws, University policy and Collective Bargaining Agreements (CBA). In the event of any conflict between this policy and applicable State and/or Federal law, University Policy or Collective Bargaining Agreement, the policy or law that is most generous to the employee will take precedence.

For all questions about sick time and paid sick leave, please contact Human Resources.

II. Reason for Policy/Purpose

The purpose of this policy is to make paid sick leave available to employees as needed to guard against loss of earnings due to illness. This policy is also intended to ensure compliance with relevant laws, including SB 454 (Oregon Paid Sick Time law), the Oregon Family Leave Act (OFLA), the Family Medical Leave Act (FMLA), and the Americans with Disabilities Act (ADA), University policies and CBAs governing the use of protected unpaid sick time and the accrual and use of paid sick leave. Further, this policy establishes paid sick leave accrual, use, and reporting standards and processes.

The Office of Human Resources is responsible for, and has authority to make, updates to this policy as need to maintain compliance with Federal and/or State laws, other University Policy and Collective Bargaining Agreements.

III. Applicability

This policy applies to all employees of Portland State University (faculty, staff and student).

IV. Definitions

Employee: For the purpose of this policy, “employee” includes classified and unclassified, represented and unrepresented, exempt and non-exempt, temporary, academic wage, student (including those funded by federal Work Study funds) and student graduate assistant, and volunteer employees.

“Employee” does not include independent contractors or those paid on Personal Service Contracts.

Employer: Portland State University.

Immediate Family Member: For the purposes of sick time, family member is defined to include members of the employee's immediate family (employee's parents, parents-in-law, spouse, partner, children, brother, sister, grandmother, grandfather, grandchild, son-in-law, daughter-in-law or another member of the immediate household).

Child/children: The biological, adoptive, or foster child of the employee, or of their spouse, partner, grandparent, a parent-in-law, or a person with whom the employee was or is in a relationship of in loco parentis. An employee’s child may be either a minor or an adult at the time qualifying leave is taken.

Paid Sick Leave: Sick time off with pay, based on qualifying use of available accrued sick leave balances. Sick leave is not part of salary or wages to which an employee is entitled regardless of need and, except as provided herein, it is not payable upon termination of employment with PSU.

Sick Time: Any period of absence from employment which is due to the employee’s illness, injury, disability resulting from pregnancy, necessity for medical or dental care, exposure to contagious disease or attendance upon members of the employee’s immediate family where employee’s presence is required because of illness or injury.

Unpaid Sick Time: Sick time off without pay.

Year: For the purpose of paid sick leave accrual, the year is defined as “Fiscal Year” which runs from July 1 through June 30. For the purpose of paid sick leave use, the year is defined as a “rolling” 12-month period measured backward from the date an employee uses any qualifying leave.

V. Policy

1. **Qualifying Absences.** Unpaid Sick Time, or earned Paid Sick Leave balances when available, may be used for the following qualifying absences:
 - 1.1. For an 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 preventative medical or dental care.
 - 1.2. For care of a family member with a 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 preventative medical or dental care.

- 1.3. For any Oregon Family Leave Act (OFLA) or Family Medical Leave Act (FMLA)-qualifying purpose, including bereavement leave under OFLA.
- 1.4. For certain reasons defined by Oregon law related to domestic violence, harassment, and sexual assault or stalking.
- 1.5. In the event of a public health emergency, including closure of the employee's place of business or closure of the employee's child's school or daycare, by order of a public official due to a public health emergency, to provide self-care or care for a family member if the presence of the employee or family member in the community would jeopardize the health of others as determined by a public health authority or by a health care provider; or if the employee is excluded from work by law due to health reasons.

2. **Responsibilities for Scheduling and Providing Notice of Sick Leave to Employer.**

Employees are required to provide notice of their use of paid sick leave or unpaid sick time as follows:

- 2.1. When the sick leave is unforeseeable, the employee must follow their department's written guidelines to notify their supervisor of the need for sick leave (with or without pay) before the start of the scheduled work shift, or as soon as practicable; and, if possible, state the anticipated duration of the sick time requested.
- 2.2. When sick leave is **foreseeable or planned**, the employee must make a reasonable attempt to schedule the use of sick leave (with or without pay) in a manner that does not unduly disrupt operations, including attempting to avoid scheduling sick leave during peak work hours, when work is time-sensitive, or when mandatory meetings are scheduled.
- 2.3. If the use of sick leave is planned and the duration of leave is 3 or more days the employee must notify Human Resources of their need to use sick leave at least 10 days prior to the date the leave will commence, or as soon as practicable; and, if possible, state the anticipated duration of the sick time requested.
- 2.4. In all circumstances, the employee must inform their supervisor of any change in the expected duration of the sick time as soon as is practicable.

3. **Reporting Leave Use.**

- 3.1. Employees must record, certify the accuracy of, and submit their usage of paid sick leave on the applicable time sheet and/or leave report within PSU established deadlines. Sick leave records will be maintained in official personnel files in Human Resources.
- 3.2. The employing department's Dean, Director, Department Chair, and/or the employee's immediate supervisor must certify the accuracy of, approve and submit their employee's time sheet and leave report submissions within PSU established deadlines to ensure timely and accurate issuance of employee wages and paid sick leave utilized, and to ensure the accuracy of employee leave bank balances.

- 3.3. The employing department and/or the employee's immediate supervisor may not request medical certification from an employee. Contact Human Resources with any concerns regarding potential misuse of paid sick leave and/or unpaid sick time.
- 3.4. The employing department and/or the employee's immediate supervisor may not require an employee to search for or find a replacement worker as a condition of the employee's use of accrued paid sick leave or unpaid sick time.

4. **Verification and Medical Certification.**

- 4.1. Only designated Human Resources Officers can require an employee to provide medical certification, and/or copies of police reports, protective orders and other documentation to verify the use of paid sick leave or unpaid sick time.
- 4.2. The University designated Human Resources Officer may require a physician's certificate or other relevant documents to support the sick leave claim for absences that exceed seven consecutive scheduled workdays of absence or when the University suspects that an employee is abusing sick leave. The University Human Resources Officer may also require a physician's certificate to certify that returning to work would not be detrimental to the employee or to others before allowing an employee to return to work.
- 4.3. When requested by a designated Human Resources Officer, certification and/or verification shall be provided to the University Human Resources Officer within 15 calendar days after the request for certification/verification, or as soon as practicable. The University will pay any reasonable costs for providing any medical certification or verification required that are not paid under a health benefit plan in which the employee is enrolled, including lost wages not covered by University paid leave use.
- 4.4. Failure to provide requested certification/verification within these guidelines to the designated Human Resources Officer may result in the denial of eligibility for the use accrued paid sick leave for periods of absence covered by the requested certification/verification. Improper use or abuse of sick leave may result in disciplinary action.
- 4.5. If the University obtains health information about an employee or the employee's family member, such information shall be treated as confidential to the extent provided by law.
- 4.6. Verification requirements and procedures for FMLA, OFLA, ADA and Workers' Compensation benefits may be different than the requirements listed above. Specific information about those programs is available in the Employee Leaves section of the HR website (pdx.edu/hr).

VI. Procedure

1. **Paid Sick Leave Eligibility and Accrual.** Eligible employees accrue sick leave on a monthly or pay period basis, beginning with date of hire, and prorated during the first month

or pay period. Sick leave accrues on the last day of the month or pay period and is available for use the first day of the next month or pay period. For example, sick leave earned for the January pay period may be used for Qualifying Absences as soon as the February pay period.

Information regarding accrued sick leave will be provided to each employee on their monthly or pay period pay statement and online in banweb (employee self-service).

1.1. Unclassified employees employed at .50 FTE or more on a 12-month or 9-month benefits-eligible appointment:

1.1.1. Will be credited with eight hours of sick leave for each full-time month of service in a paid status, or a prorated amount based on hours paid for less than full-time or partial months of service.

1.1.2. Sick leave credit shall be earned during sick leave with pay and during other periods of paid leave; except sick leave is not earned or used during sabbatical leave, educational leave or periods of leave without pay.

1.1.3. Nine-month faculty, academic professional and administrative staff employed half-time or more the preceding academic year and employed to teach or work on summer wage appointments are eligible to accrue prorated sick leave up to 8 hours per month, and to use sick leave, under this plan during the period of the summer appointment.

1.1.4. There is no balance limit on the amount of sick leave that may be accrued for employees in this employment category.

1.2. SEIU represented Regular Classified employees:

1.2.1. In accordance with Article 40 of the SEIU CBA, SEIU represented employees will be credited with eight hours of sick leave for each full-time month of service in a paid status, or will be credited with a pro rata amount based on hours worked for a partial month.

1.2.2. Sick leave credit shall be earned during sick leave with pay and during other periods of paid leave.

1.2.3. There is no balance limit on the amount of sick leave that may be accrued for employees in this employment category.

1.3. Part-time employees, including part-time PSUFA represented faculty, graduate assistants, academic wage, temporary staff, student workers, IATSE and others whose appointment is less than .50 FTE, and not benefit-eligible:

1.3.1. Hourly paid employees earn 1 hour of sick leave for every 30 hours worked and may accrue a maximum of 40 hours of sick time in a year.

- 1.3.2. Federal Work Study (FWS): Restrictions prohibit FWS funding of paid sick leave; therefore, 100% of paid sick leave used by FWS funded student employees will be charged against departmental labor distributions.
- 1.3.3. Overtime exempt employees paid on a salaried basis are presumed to work a prorated share of 40 hours per week (173.33 hours per month) based on their paid FTE.
- 1.3.4. Accrued sick leave balances shall not exceed a maximum of 80 hours for employees in this employment category.

2. **Scheduling and Use of Paid Sick Leave.**

- 2.1. Employees must use available paid sick leave balances to cover periods of Qualifying Absence as described in Section V, Policy, except:
 - 2.1.1. Employees may choose to trade shifts instead of using accrued paid sick leave, or as an alternative, the employee can request to be on sick leave without pay unless otherwise specified in the applicable CBA.
 - 2.1.2. Paid sick leave may be used for qualifying absences to cover all or part of a shift.
- 2.2. When using paid sick leave, employees cannot be required to find coverage for their shift.
- 2.3. When using paid sick leave employees will be paid at the job specific regular rate the employee would have earned had they not been absent.
- 2.4. Hourly employees must record sick leave taken on their time sheet.
- 2.5. Salaried employees must record sick leave taken in the online leave report.
- 2.6. Accrued but unused sick leave balances will not be paid to the employee upon termination, resignation, retirement, or other separation of employment except as provided for by PERS.

3. **Unpaid Sick Time for Extended Personal Illness.**

3.1. **Unclassified employees employed at .50 FTE or more on a 12-month or 9-month benefits-eligible appointment and SEIU represented Regular Classified employees:**

After all earned leave balances have been exhausted, the University may grant continuous sick leave without pay. This process is coordinated with FMLA/OFLA leaves and/or leave under the ADA where applicable. To apply, the employee must submit a written request to the Human Resources Leaves Administrator by completing the Personal/Discretionary Leave Request Form and shall be required to submit a physician's certificate to the Human Resources Leaves Administrator.

The decision to grant sick leave without pay is made by the University President or his/her designee for unclassified employees, and by the University Appointing Authority for classified employees. Except when leave is protected by law, decisions about granting unpaid sick leave are at the sole discretion of the University and may be denied based on department or program needs. Extensions beyond one year may be granted on a year-by-year basis..

Reassignment of the work of a faculty, academic professional or administrative staff member incapacitated by illness over a period longer than one month must have the approval of the president or division head.

3.2. Part-time employees, including part-time PSUFA represented faculty, graduate assistants, academic wage, temporary staff, student workers, IATSE and others whose appointment is less than .50 FTE, and not benefit-eligible:

After earned sick leave balances have been exhausted, the employee may take additional unpaid sick time up to a combined total of 40 hours paid sick leave and unpaid sick time per year.

Upon written request and with approval from the relevant Dean and Human Resources, the University may grant a student or graduate assistant employee additional unpaid sick time for the remainder of the current academic term. Eligibility for student or graduate assistant employee reemployment in subsequent academic terms will be based on meeting current term enrollment requirements.

4. **Termination and Retirement.** An employee who separates employment is not entitled to compensation for unused sick leave except in the calculation of the Public Employees' Retirement System (PERS) retirement benefit as provided in ORS 238.350. At retirement (as defined by ORS 238), an employee forfeits all accrued unused sick leave balances, and, if reappointed to an eligible appointment, begins sick leave accrual under the sick leave accrual program relevant to their post-retirement appointment.

5. **Sick Leave Balance Transfer and Reinstatement.**

5.1. **Intra-Institutional Transfers (within PSU)**

5.1.1. **Unclassified employees employed at .50 FTE or more on a 12-month or 9-month benefits-eligible appointment and SEIU represented Regular Classified employees:**

When a benefits-eligible unclassified or a regular SEIU represented classified employee is reemployed or transfers to another benefits-eligible position within the University, the employee shall transfer all accrued sick leave to the new position, provided the break in benefits-eligible service does not exceed two years. When accruals are different, please refer to the collective bargaining agreements for clarification.

When a benefits-eligible unclassified or a regular SEIU represented classified employee is reemployed or transfers to non-benefits eligible position within the University, the

employee shall transfer a maximum of 80 hours of accrued sick leave to the new position, provided the break-in-service does not exceed two years. When accruals are different, please refer to the collective bargaining agreements for clarification.

5.1.2. Part-time PSUFA represented faculty, graduate assistants, academic wage staff, hourly temporary and student workers, IATSE and others whose appointment is less than .50 FTE, and not benefit-eligible:

When a non-benefits eligible employee is reemployed in or transfers to another non-benefits eligible position within the University the employee shall transfer up to 80 hours of accrued sick leave to the new position provided the break-in-service does not exceed one year. The employee is entitled to use previously accrued sick time immediately upon reemployment.

5.2. Inter-Agency and Inter-Institutional Transfers:

5.2.1. Unclassified employees employed at .50 FTE or more on a 12-month or 9-month benefits-eligible appointment:

A benefits-eligible unclassified employee who transfers to PSU from any agency of the state of Oregon, or who begins working at PSU within two years after leaving state employment, is eligible to be credited with any unused sick leave earned with that agency. This includes sick leave earned in the classified service. As used in this subsection, and for these purposes only, the term "any agency of the State of Oregon" shall include the Oregon Health & Science University (OHSU).

5.2.2. SEIU represented Regular Classified employees:

If an SEIU represented employee transfers to PSU from another university covered by the SEIU CBA, or begins working at PSU within two years after leaving an SEIU represented position at one of those universities, the employee is eligible to be credited with any unused sick leave earned at the prior institution. Please see the SEIU CBA for more information.

5.2.3. Part-time employees, including part-time PSUFA represented faculty, graduate assistants, academic wage, temporary staff, student workers, IATSE and others whose appointment is less than .50 FTE, and not benefit-eligible:

Inter-Agency transfers are not allowed.

6. Coordination with Other Leaves.

6.1. FMLA / OFLA. An employee's use of sick time may run concurrently with other leave under state or federal law, including leave taken pursuant to the federal **Family Medical Leave Act** or the **Oregon Family Leave Act**.

6.2. Workers' Compensation Integration. Sick leave may be used as outlined here when an illness or injury has been determined to be job-related, and if the employee elects to

utilize accrued sick leave in combination with Workers' Compensation benefits. Sick leave, when available, may be taken in the amount equal to the difference between the Workers' Compensation benefit for lost time and the employee's regular salary rate. In such instances, prorated charges will be made against the employee's accrued sick leave account. Should an employee elect to use other accrued paid leave for this purpose, instead of sick leave, the salary paid for this period shall be the difference between the workers' compensation benefit paid for lost time and the employee's regular salary for the period for which the benefit is being paid. In such instances prorated charges will be made against the accrued paid leave.

An employee may not receive salary and workers' compensation benefits that exceed the employee's regular pay for that period. An employee who receives a regular salary payment and a workers' compensation lost time benefit payment shall immediately notify the University payroll or other designated officer of such overpayment and shall return promptly to the institution the amount of the salary overpayment. The University is entitled and is responsible to recover any salary overpayment that may have occurred, and shall promptly recover the amount of salary overpayment through payroll deduction or by cash payment according to existing institutional procedures and CBAs.

7. **Borrowing Unearned Sick Leave.**

7.1. **Unclassified employees employed at .50 FTE or more on a 12-month or 9-month benefits-eligible appointment.** This sick leave advance program is intended to provide salary continuance for up to 90 calendar days of absence due to illness by using a combination of accrued and advance sick leave. Benefits eligible unclassified employees may utilize unearned paid sick leave in accordance with the following terms:

7.1.1. A request for the use of unearned sick leave must be made, in writing, to HR.

7.1.2. Employee must be approved for Family Medical Leave (FMLA) for their own serious injury or illness, and the leave advance must be for the FMLA-qualifying injury or illness.

7.1.3. Employee must have exhausted all available sick leave, vacation, and, if applicable, compensatory time balances. Employee may not be receiving short or long term disability.

7.1.4. Eligible full-time employees may receive an unearned sick advance sufficient to provide the difference between sick leave earned as of the onset of the illness or injury and 520 hours.

7.1.5. Eligible part-time employees may receive an unearned sick advance sufficient to provide the difference between sick leave earned as of the onset of the illness or injury and the ratio of 520 hours that is proportional to their FTE.

7.1.6. No more than a 520-hour sick leave advance is available during a seven-year period that begins with the first sick leave advance.

- 7.1.7. Unclassified employees on fixed term appointment cannot receive an advance that extends beyond the end date of the fixed term appointment except upon written approval of the University president or designee.
- 7.1.8. Unearned sick leave taken under this program will be deducted from the Employee's sick leave balance as it accrues until the full amount of advanced sick leave is recovered.
- 7.1.9. Upon termination of employment with PSU, if unearned sick leave has not been fully recovered, an equivalent amount of unused vacation hours, up to the maximum accrual of 260 hours, will be applied to recover the remaining balance.
- 7.1.10. Unearned sick leave that was approved, but has not been used, cannot be considered for purposes of computing retirement benefits.

7.2. SEIU represented Regular Classified employees, part-time PSUFA represented faculty, graduate assistants, academic wage staff, hourly temporary and student workers, IATSE and others whose appointment is less than .50 FTE, and not benefit-eligible:

Sick Leave Borrowing is not allowed.

8. Leave Donations.

- 8.1. **AAUP.** The AAUP Collective Bargaining Agreement includes a provision allowing AAUP represented unclassified employees the option to participate in a Donated Sick Leave Bank. Please refer to the CBA and the Human Resources Leave Administrator for more information.
- 8.2. **SEIU.** The SEIU Collective Bargaining Agreement includes a provision allowing SEIU represented employees to donate paid leave to other SEIU represented employees for Hardship Leave. Please refer to the CBA for more information.

9. Prohibition on Discrimination.

Discrimination or retaliation against any PSU employee for requesting, using or complaining that they are not receiving sick time as required by this policy, State or Federal law or applicable CBA is prohibited. Employees will not be subject to a negative evaluation, discipline or adverse job action based on their appropriate and lawful use of sick leave. Employees are encouraged to bring any concerns about the use of sick time or possible retaliation to Human Resources.

VII. Links To Related Forms

Personal/Discretionary Leave Request Form,
http://www.pdx.edu/sites/www.pdx.edu.hr/files/hr_emp_leave_discretionary.doc

VIII. Links To Related Policies, Procedures or Information

PSU Family Medical Leave Act /Oregon Family Leave Act Information page
<http://www.pdx.edu/hr/family-medical-leaveoregon-family-leave-workers-compensation-discretionary-leave>.

PSU Americans With Disabilities Act Information
<http://www.pdx.edu/hr/americans-with-disabilities-act-ada>.

PSU Workers' Compensation FAQs
<http://www.pdx.edu/hr/workers-compensation>.

Collective Bargaining Agreement between AAUP and PSU
https://www.pdx.edu/hr/sites/www.pdx.edu.hr/files/AAUP%20CBA%202015-2019_Final%20Draft%206-22-16%20w-signatures.pdf

Collective Bargaining Agreement between SEIU and the 7 Oregon Public Universities
https://www.pdx.edu/hr/sites/www.pdx.edu.hr/files/2015-19.CBA_FINAL_.pdf

IX. Contacts

Human Resources: 503-725-4926
Email: askhrpdx.edu
Fax: 503-725-5896
Web: www.pdx.edu/hr

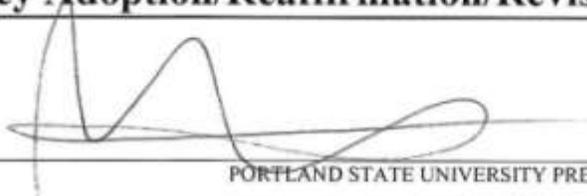
X. History/Revision Dates

Adoption Date: December 30, 2015

Next Review Date: December 30, 2020

XI. Policy Adoption/Reaffirmation/Revision Approvals

Approved



PORTLAND STATE UNIVERSITY PRESIDENT

Date 12/30/15

Approved



PORTLAND STATE UNIVERSITY GENERAL COUNSEL

Date 12/30/15