



Employer Announcement #96

Senate Bill 454 Sick Time and the PERS Unused Sick Leave Program (updated with FAQs 2/23/2016)

Senate Bill 454, approved during the 2015 legislative session, requires a minimum provision of “sick time” for certain employees of non-Federal government public and private employers in the state of Oregon, effective January 1, 2016.

The Unused Sick Leave Program in ORS 238.350 only applies to Tier One and Tier Two members who work in qualifying positions of employers who choose to participate in the program. PERS has determined that “sick time” as provided in SB 454 does not constitute “sick leave” for purposes of ORS 238.350, and therefore should not impact the accrual rates for the Chapter 238 Accumulated Unused Sick Leave Program. At the September 25, 2015 PERS Board meeting PERS proposed amendments to Oregon Administrative Rule 459-011-0500, to clarify this position. The proposed amendments were adopted and became effective November 20, 2015.

FAQs:

Q1) Does SB 454 “Sick Time” legislation affect the PERS “Sick Leave” program outlined in ORS 238.350?

A1) No. As long as employers track “sick time” provided under SB 454 separately from “sick leave,” and do not convert “sick time” into “sick leave,” then the PERS “Sick Leave” program is not affected by SB 454.

Q2) Should “sick time” be reported to PERS when employees terminate PERS positions?

A2) No. Tier One/Tier Two members terminating employment in qualifying positions with employers participating in the PERS sick leave program should only have unused “sick leave” hours calculated and reported as described in Employer Announcement #88.

Unused sick leave hours are not used in calculation of an OPSRP Pension benefit, so employers may report “0” unused sick leave hours for OPSRP members terminating employment in qualifying positions.

Q3) Can unused sick time be combined with unused sick leave when transferring sick leave between employers?

A3) No. PERS will accept unused sick leave hours reported by employers as outlined in Employer Announcement #88. Therefore, it is important to track “sick time” and “sick leave” separately, and only report unused “sick leave” hours to PERS.

Q4) Can unused sick time be combined with unused sick leave when determining any reinstated sick leave to be reported?

A4) No. PERS will accept reinstated sick leave hours reported by employers as outlined in Employer Announcement # 88. Therefore, it is important to track “sick time” and “sick leave” separately, and only report unused “sick leave” hours to PERS.

Please contact your PERS Employer Account Team representative or email: pers-employer.info.services@pers.state.or.us with questions on this topic.

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