Wage and Hour Division

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**Fact Sheet: Portland Sick Leave Ordinance**

This fact sheet addresses key features of Portland City Code Chapter 9 (“ordinance”), which provides for the accrual and use of sick time by employees working within the city limits of Portland. The ordinance is effective January 1, 2014.

**Who Is Covered by the Ordinance?**

The ordinance applies to all employees who work within the city limits of Portland for a minimum of 240 hours in a year. Employees who perform work in the city are covered by the ordinance regardless of where their employer is located.

**How Is Sick Time Earned under the Ordinance?**

Employees accrue one hour of sick time for every 30 hours of work performed in Portland, up to a maximum of 40 hours per year. Hours of work include overtime hours worked by employees not exempted from the overtime provisions of the federal Fair Labor Standards Act and/or state wage and hour laws. Employees may carry over up to 40 hours of unused sick time to the following year.

**Does the Ordinance Require Sick Time to Be Paid?**

Employers with six or more employees are required to provide paid sick time to their employees. Employers with five or fewer employees must only provide unpaid sick time. When using paid sick time, an employee must be compensated at the same base rate of pay as the employee would have earned during the time the paid leave is taken. Sick time must be paid no later than the payday for the next regular payroll period after the sick time was used.

**For What Purposes Can Sick Time Be Used?**

An employee may use sick time for the diagnosis, care, or treatment of the employee or the employee’s family member’s mental or physical illness, injury, or health condition, including preventive medical care (for example, pre-natal visits and routine medical and dental visits). Employees may also use sick time to address issues related to domestic violence, harassment, sexual assault, or stalking or for reasons related to public health emergencies impacting the employee or the employee’s family members.

**When Do Employees Become Eligible to Use Sick Time?**

Employees may use accrued sick time after 90 days of employment, though sick time begins to accrue at the time of employment.

**Are There Any Notice and Recordkeeping Requirements?**

Employers must provide and post written notice to all employees who work in Portland of:

* Their entitlement to sick leave;
* The amount of sick leave and the terms of its use;
* The prohibition of retaliation against employees who request or use sick leave; and
* The employees’ right to file a complaint.

Both the written notice and the poster must be in English as well as any other language the employer normally uses to communicate with its employees.

Employers also must maintain for a period of at least two years records documenting sick time accrued and used by each employee and provide written notification each quarter to each employee of the amount of accrued and unused sick time available for use.

**What Protections Are There for Employees?**

It is unlawful for an employer to take any retaliatory personnel action against any person for exercising rights or attempting to exercise rights guaranteed by the ordinance. However, if an employer determines that an employee used sick time for an impermissible purpose, including a pattern of abuse, or that the employee’s documentation of the need to take sick time was falsified or untrue, an employer’s disciplinary action would not constitute retaliation.

An employer may not require an employee to find a replacement worker for a shift as a condition of the employee’s use of sick time or to work an alternative shift in lieu of using accrued sick time.

**Who Enforces the Ordinance?**

The City of Portland has contracted with the Bureau of Labor and Industries (“BOLI”) to enforce the ordinance. Any person claiming to be aggrieved by a violation of the ordinance may file a complaint with BOLI. The ordinance provides for civil penalties which may be assessed for violations of the sick time provisions.

**Where Can Additional Information Be Obtained?**

Additional information may be found at [www.portlandoregon.gov/sicktime/](http://www.portlandoregon.gov/sicktime/).