

Portland, Oregon, Issues Rules on Paid Leave

By Mark A. Crabtree

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Effective January 1, 2014, all employers must provide sick leave to employees who work part-time, full-time, temporarily, or just occasionally within the City of Portland, Oregon. Employers with more than five employees in any location must provide up to 40 hours of paid sick leave to employees working in Portland. Covered employees can include delivery drivers, couriers and outside sales personnel who occasionally travel to the City, as well as telecommuting workers who are located in Portland. Employers also must meet specific recordkeeping, reporting, usage, and notice requirements. (See our article, [Portland, Oregon, Mandates Employer-Provided Sick Leave](#), for more information.)

Rules interpreting the ordinance make clear that an eligible employee is one who works at least 240 hours in Portland in *any* calendar year (rather than *each* calendar year, as was suggested by the law's language). If the employee has worked 240 hours in Portland in a calendar year (which could be the prior year), then on the 90th calendar day of employment, the employee may use accrued sick time, provided the employee is working in Portland. Employees on the payroll as of January 1, 2014, begin accruing sick leave on January 1st and may take sick leave as soon as they accrue it, in minimum increments of one hour. The rules further clarify that employees need not wait until the end of a pay period or some other future time to use accrued leave.

Certain additional compliance requirements can trap unprepared employers. These include:

- applying no-fault attendance policies that penalize employees for using sick leave;
- failing to communicate to each eligible employee the amount of leave accrued on a quarterly basis;
- requiring a doctor's note for leave of fewer than three days;
- requiring an employee to give an explanation of the illness or other reason for the absence, unless the absence is for a purpose covered by another federal, state, or other local law; and
- failing to display required postings in each establishment an eligible employee works. The City has suggested it will prepare a poster and FAQ sheet by the end of the year.

Our complimentary Compliance Guidance checklist for employers on the Portland paid leave is available by [clicking here](#). Jackson Lewis attorneys are available to work with employers of every size on compliance and implementation strategies.

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