

2013 January Labor and Employment Alert

Legal Alert
February 1, 2013

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Garvey Schubert Barer Legal Update, February 1, 2013.

Seattle and San Francisco both have it. Portland (and possibly the Oregon legislature) has it in its target sights. What is it? Paid sick leave. Amanda Fritz introduced an ordinance on January 24, 2013. The proposed ordinance was discussed further at a hearing on Thursday, January 31st. Ms. Fritz has indicated it is her intention to co-chair a Task Force with Commissioner Saltzman to identify and discuss potential amendments to the proposed Code. It is anticipated that this Task Force will consist of 11 - 13 people, invited by Council members to represent the broad range of stakeholder communities, who will meet weekly for three weeks.

A report from the Task Force will be then be posted. There will also be an opportunity for further public input, but the mechanism for that is unclear. A second hearing will be held at the end of February to consider amendment requests, with a Council vote anticipated the first week of March. The new standards, if adopted, would be implemented January 2014.

If passed, employees who work in Portland for more than 240 hours in a year will earn one hour of sick time per 30 hours worked, and may use up to five days of earned sick time per year for specified emergency absences. Employees in businesses with six or more employees would be eligible for paid sick time. Those working in businesses with five or fewer employees would not be paid for time off due to sickness, but they would have the right to use their earned sick leave without fear of retribution. The specifics on the Code and Ordinance can be found at <http://www.portlandonline.com/fritz/index.cfm?c=49205>.

The ordinance is very similar to the recently enacted Seattle ordinance. If businesses are already providing benefits that meet the standard set by the ordinance, they do not have to do

anything additional – but they cannot fall below the threshold set in the ordinance.

There has been discussion among the Portland City Council that a paid sick leave law should be passed on a state-wide level, as opposed to only applying to the City of Portland. So, these changes may not be limited to the Portland area. You can safely anticipate there will be a push in the next legislative session for a similar law state-wide. The likelihood of that passing is unclear. However, if you feel strongly about providing paid sick leave (or not), now is the time to start contacting your political representatives to voice your opinion. If you have questions or want to discuss options to be prepared, call either Nancy Cooper or Joy Ellis of our Oregon Labor and Employment team.