

Duff on Hospitality Law

Portland's Proposed Paid Sick Leave Ordinance Makes Some Businesses Ill

By Joy Ellis on 11.2.12 | Posted in Employment Law

Portland's City Council may follow San Francisco and Seattle and soon enact an ordinance that would require all employees in the city limits to earn paid sick leave. The City Council could vote on an ordinance mandating paid sick days as early as the end of the year.

Seattle's paid sick leave ordinance only went into effect September 1st, after lengthy negotiations to revise the original ordinance to make it workable for Seattle businesses. Seattle's ordinance requires nearly all private-sector employers to provide employees who work in Seattle with specified amounts of accrued paid sick and safe time; employers with 4 to 250 employees are required to provide one hour of sick leave for every 40 hours an employee works. **San Francisco's paid sick leave ordinance** has been in effect for about 5 years. There, workers accrue an hour of sick leave for every 30 hours worked, up to 5 paid sick days per year at smaller workplaces with fewer than 10 employees and up to 9 paid sick days per year at larger workplaces. A study in San Francisco by the Institute for Women's Policy Research found that since the enactment of San Francisco's paid sick leave ordinance, the average worker takes 3 sick days per year. Tipped employees take an average of 2 days off and return to work sooner because their paid leave cannot make up for lost tip revenue.

City Council member Amanda Fritz is spear-heading the Portland ordinance. According to *The Portland Tribune*, she has convened a group of labor, business and community leaders to draft a proposed ordinance. The City of Portland's website does not provide any detail on its proposed ordinance, and no proposed ordinance has been published. According to the Oregon Restaurant and Lodging Association (**ORLA**), Portland's paid sick leave proposal would require businesses to pay one hour of sick leave for every 30 hours worked by the employee in a calendar year (regardless of whether the employee is temporary, part-time or full-time). The employee could use the paid time off for their own illness or to take care of a sick family member. An employee with accrued sick leave could carry over up to 40 hours of sick leave into the next calendar year.

Groups behind the campaign for paid sick leave include **Family Forward Oregon** and **Everybody Benefits Oregon**. According to both organizations' websites, 40% of Oregon's private-sector workers (and over half of Oregon's food service workers) do not currently have paid sick leave. On October 31, Portland labor activists and unions rallied at Portland City Hall and then testified to the City Council to **pressure the council** to pass an ordinance mandating

paid sick leave.

Meanwhile, Portland businesses are concerned the mandated paid sick leave will have a negative effect on their bottom line. ORLA opposes paid sick leave mandates, and points out that the financial impact of the ordinance could make it harder for restaurants to afford health care benefits for its employees. The [Portland Business Alliance](#) is waiting to see the details of the proposed ordinance before it takes a position, but appreciates that paid sick leave will be a significant issue for small businesses.

If you have questions about the proposed paid sick leave ordinance, or any Oregon employment law issue, please contact [me](#).

Tags: sick leave