

Final sick leave rules have employers scrambling

by Stephanie Basalyga

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The city of Portland earlier this month released the final rules for a citywide paid sick leave policy that goes into effect Jan. 1, 2014. Unlike the outcry that rose from the business community when the ordinance was first proposed, the final version received little attention.

Amy Angel, a partner with Portland-based law firm **Barran Liebman**, thinks that's going to change as more and more local employers begin to notice that the effective date for the law is now less than two months away.

"(Employers) have been waiting for the final rules so they know what they need to comply with," Angel said.

In its simplest form, the ordinance, which applies to any company or firm in Oregon that has employees who work in Portland, requires that employers provide one hour of sick leave for every 30 hours an employee works. The new rules outline when employees begin qualifying for the leave, how the accrual of those hours should be handled, how employees must be allowed to take their leave (time increments), and more.

"There are a number of changes in the final version from the rules that were proposed," Angel said. "Some of the changes are technical. Some are big changes."

The **Oregon Bureau of Labor and Industries**, which has agreed to serve as the enforcement arm for the ordinance, announced last month that it will give employers a grace period - until July 31 - before beginning any official enforcement. But Kathy Hindman, a shareholder with Portland-based **Bullard Law**, cautions that business owners shouldn't wait to create a new in-house sick leave policy, or tweak an existing one.

While employers with fewer than 25 employees have been vocal about their concerns about the ordinance, larger employers also should pay attention to the final version, Hindman advises.

"I don't think most employers are ready at all," she said. "Every employer I have talked to is surprised by some aspect of the law that they didn't know about," she said.

Angel also worries that business owners who haven't adjusted their in-house policies for the final version of the ordinance are now playing catch-up.

"For the (employers) who don't offer any paid sick leave right now, it's almost going to be easier to come up with a brand new policy than fix what's already in place," Angel said. "It's the folks who have an existing policy and are trying to fix it to make sure it's compliant who are having problems."

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