

Protected Sick Leave Movement

Eugene's sick leave ordinance

By Amy Angel

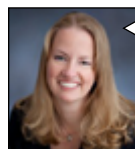


Last week, the City of Eugene passed its own protected paid sick leave ordinance. The ordinance requires most employers engaged in business, inside the city, to provide up to 40 hours of paid, protected sick leave per year to employees working or scheduled to work inside the city. The accrual, use, and protection of the ordinance are slated to go into effect on July 1, 2015. In the meantime, the Eugene city manager is tasked with developing administrative rules to be adopted by January 2015.

Like Portland's Protected Sick Time ordinance, Eugene's ordinance requires an accrual rate of at least one hour of protected sick time for every 30 hours worked within Eugene City limits, and permits employers to restrict new employees from using accrued sick leave until they have worked for at least 90 days. However, the two ordinances have several key differences. For example, the Eugene ordinance does not apply to employees in the building and construction industry, who are covered by a collective bargaining agreement. Additionally, the Eugene ordinance requires that an employee first seek enforcement of the ordinance through the city, or (if enforcement authority is delegated to BOLI) through BOLI, before pursuing a private cause of action in court. Notably, unlike Portland and other cities, Eugene's ordinance requires employers of all sizes (even those with only one employee) to provide sick leave with pay. The administrative rules may detail additional differences as well.

The Eugene ordinance is not without controversy. Days before the City Council passed the ordinance, the Lane County Board of Commissioners passed its own ordinance barring any city within the Lane County (including Eugene) from passing local laws that mandate any employment conditions, including wages and benefits such as sick leave. The commissioners also passed two other separate ordinances which would diminish the Eugene ordinance, including one which would exempt all Lane County businesses located outside Eugene city limits from Eugene's sick leave ordinance. It remains to be seen how the conflict between the city's ordinance and the county's ordinance will be resolved.

Since there is uncertainty regarding not only the conflict with the county's ordinance, but also with the unknown of what the administrative rules will provide, employers should wait to implement changes to their policies at least until the administrative rules are finalized by early 2015. **L&C**



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