

SICK LEAVE

Chancellor's Office Policy
Effective 07-01-97

Applicability

This policy applies to all employees who are designated as non-exempt under the guidelines of the Fair Labor Standards Act.

Sick Leave with Pay

Sick leave with pay shall be determined in the following manner:

1. Eligibility. All full-time employees shall be credited with eight hours of sick leave for each full month of service, or two hours for each full week of service less than one month. Part-time employees employed .50 FTE appointment or more will be credited a pro-rata amount. An employee whose appointment is less than .50 FTE is not eligible to accrue sick leave, but is eligible to use a prorate of sick leave accrued but unused while previously employed at .50 FTE or more. In addition, sick leave is not earned or used during educational leave or leave without pay. Time charged to sick leave is not used to compute overtime. Sick leave credit shall be earned during sick leave with pay and during other periods of paid leave. There is no limit on the amount of sick leave that may be accrued.
2. Earned Sick Leave Use. Employees who have earned sick leave credits must use the credits for any period of absence from service that is due to the employee's illness, injury, disability resulting from pregnancy, necessity for medical or dental care, exposure to contagious diseases or attendance upon the employee's immediate family (employee's parents, spouse, children, brother, sister, grandmother, grandfather, son-in-law, daughter-in-law, or another member of the immediate household) where employee's presence is required because of illness or death in the immediate family of the employee or the employee's spouse.

As an alternative, the employee may request in writing to his/her immediate supervisor to be on sick leave without pay.

3. The Chancellor's Office may require a physician's certificate to support the sick leave claim for any absence in excess of fifteen (15) consecutive calendar days or for recurring sick leave use. The Chancellor's Office may also require a physician's certificate before allowing return to work to certify that the return to work would not be detrimental to the employee or to others.

Time and Attendance Reporting

Employees must use the credits for any period of absence from service in accordance with OAR 580-021-0040(2) Earned Sick Leave Use.

Record Keeping

At the time and in the manner prescribed by the Chancellor, each employee covered by these provisions shall certify to the officer designated the amount of sick leave earned and the amount of sick leave with pay used. Sick leave records shall be maintained in the official personnel file.

Sick Leave without Pay

The Chancellor or his/her designee may grant sick leave without pay for up to a year when the employee has used all accrued sick leave with pay. The employee must submit a written request for leave and shall be required to submit a physician's certificate. Extensions beyond one year may be granted on a year-by-year basis.

Unearned Sick Leave Advance

1. The purpose of this section is to provide salary continuance for up to 90 calendar days of absence due to illness or injury through a combination of accrued and advance sick leave. Each full-time employee is entitled to receive a sick-leave-with-pay advance as needed to provide the difference between sick leave earned as of the onset of the illness or injury and 520 hours: part-time staff are eligible to receive a sick-leave-with-pay advance proportional to FTE to provide the difference between sick leave earned as of the onset of the illness or injury and a prorate of 520 hours.

2. As sick leave is earned, the amount shall replace any sick leave advanced until all advanced time is replaced with earned time. No more than a 520-hour sick leave advance is available during a seven-year period that begins with the first sick leave advance. More than one sick leave advance is possible as long as the total advance does not exceed 520 hours during a seven-year period. Sick leave that may have been advanced, but unused, cannot be considered of the purposes of computing retirement benefits. Employees on a fixed-term appointment cannot receive an advance that extends beyond the end date of the fixed-term appointment, except upon written approval of the Chancellor or designee.

Transfer and Termination

An employee is entitled to transfer in unused sick leave earned with any other agency of the State of Oregon or any institution in the Oregon State System of Higher Education, provided the break in service does not exceed two years. An employee who terminates employment is not entitled to compensation for unused sick leave except in the calculation of the Public Employees' Retirement System (PERS) retirement benefit as provided in ORS 237.153.

Workers' Compensation Integration

The purpose of this section is to insure that an employee who receives a workers' compensation benefit for lost time resulting from a compensable job-related illness or injury and salary paid for the same period of time does not exceed the employee's regular salary for that period, and that paid leave is not charged for the payment received from workers' compensation:

(a) Salary paid for a period of sick leave that is taken as a result of a job-related illness or injury compensable under workers' compensation shall be equal to the difference between the workers' compensation benefit for lost time and the employee's regular salary for the period for which the benefit is being paid. An employee who is receiving workers' compensation time-loss benefits can choose to use a prorated amount of accrued sick leave or a prorated amount of other accrued paid leave or sick leave without pay. Should an employee elect to use other accrued paid leave for this purpose, instead of sick leave, the salary paid for this period shall be the difference between the workers' compensation benefit paid for lost time and the employee's regular salary for the period for which the benefit is being paid. In such instances, prorated charges will be made against the accrued paid leave;

(b) An employee is not entitled to keep both salary (including paid leave) and workers' compensation benefits if the total exceeds the employee's regular salary. The Chancellor's Office is entitled and is responsible to recover any salary overpayment that may have occurred. It is the employee's responsibility to notify payroll immediately if a regular salary payment and a workers' compensation lost time benefit payment is received and to promptly return the overpayment.

(c) The Chancellor's Office shall recover the amount of salary overpayment through payroll deduction or by cash payment according to existing procedures.