

ORDINANCE NO. _____

AN ORDINANCE CONCERNING SICK LEAVE; ADDING SECTIONS 4.570 THROUGH 4.580 TO THE EUGENE CODE, 1971; AMENDING SECTION 4.996 OF THAT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Sections 4.570 through 4.580 of the Eugene Code, 1971, are added to provide as follows:

SICK LEAVE

4.570 **Sick Leave - Purpose.** *The purpose of sections 4.570 through 4.580 of this code is to promote a sustainable, healthy, and productive workforce by establishing minimum standards for employers to provide sick leave and to ensure that all persons working in the City of Eugene will have the right to earn and use paid sick leave. Allowing employees to earn and take sick leave will maintain a healthy workforce and promote a vibrant, productive, and resilient city.*

4.572 **Sick Leave - Accrual of Sick Leave.**

- (1)** *Except as otherwise provided in sections 4.570 through 4.580 of this code or in the administrative rules adopted pursuant to section 4.578 of this code:*
 - (a)** *If an employer is located within the city, the employer shall provide its employees with a minimum of one hour of paid sick leave for every 30 hours of paid work performed by the employee; and*
 - (b)** *If an employer is located outside the city but sends an employee into the city to perform work, the employer shall provide that employee with a minimum of one hour of paid sick leave for every 30 hours of paid work performed inside the city.*
- (2)** *For purposes of sections 4.570 through 4.580 of this code, an employer is located within the city if the employer owns, leases or rents property within the city at which one or more employees works.*
- (3)** *Subject to subsection (1) of this section, employers shall allow employees to accrue a minimum of 40 hours of paid sick leave in a year.*

- (4) ***Sick leave accrued by an employee that is not used in a calendar year may be used by the employee in the following year, except that employers are not required to allow employees to use more than 40 hours of paid sick time in a year.***
- (5) ***Employees shall begin to accrue sick leave from an employer on July 1, 2015, or commencement of employment, whichever is later.***
- (6) ***An employer with a sick leave or paid time off policy that provides the employee with accrual of leave that equals or exceeds the requirements of this section is compliant with this section.***

4.574 Sick Leave - Use of Sick Leave.

- (1) ***An employee becomes eligible to use sick leave when he or she has been employed by the employer for 90 days or more.***
- (2) ***Nothing in sections 4.570 through 4.580 of this code requires an employer to compensate an employee for accrued unused sick leave upon the employee's termination, resignation, retirement, or other separation from employment.***
- (3) ***An employer with a sick leave or paid time off policy in effect that provides the employee with use of leave that equals or exceeds the requirements of this section is compliant with this section.***

4.576 Sick Leave – Exercise of Rights Protected; Retaliation Prohibited.

- (1) ***It shall be unlawful for an employer to interfere with the exercise of any right protected under sections 4.570 through 4.580 of this code.***
- (2) ***An employer shall not take retaliatory action or discriminate against an employee because the employee has exercised rights protected under sections 4.570 through 4.580 of this code.***

4.578 Sick Leave – Administrative Rules. The city manager shall adopt, and as necessary amend, rules in the manner prescribed in section 2.019 of this code to assist in the implementation of sections 4.570 – 4.580 of this code, including but not limited to:

- (1) ***Establishing conditions under which an employee may use sick leave, such as for an illness of the employee or family member, or circumstances related to domestic violence, sexual assault or stalking;***
- (2) ***Adopting definitions including but not limited to “employee,” “employer,” “paid time off” and “paid work”;***
- (3) ***Identifying record-keeping, accrual, and use of sick time requirements;***
- (4) ***Establishing enforcement protocols for administrative civil penalties and private rights of action;***
- (5) ***Defining an equivalent or better policy that would be deemed in compliance with this ordinance, such as paid time off, collective bargaining agreements and building trade protocols;***

- (6) ***Providing a methodology for establishing when an employee whose employer is located outside the city, is considered to be working within the city;***
- (7) ***Adopting provisions to ensure that employers may establish and enforce reasonable policies for employees in order to maintain workplace productivity and prevent possible abuse, while prohibiting employers from retaliating against employees for using sick leave; and***
- (8) ***Establishing a grace period after July 1, 2015, during which time compliance will be sought through education rather than imposition of fines and penalties.***

4.580 Sick Leave – Enforcement.

- (1) ***The city may contract with the Oregon State Bureau of Labor and Industries or another entity to enforce sections 4.570 through 4.580 of this code.***
- (2) ***Subject to the administrative rules adopted pursuant to section 4.578 of this code, any employee claiming to be aggrieved by an employer's violation of sections 4.570 through 4.580 of this code shall have a cause of action for damages and such other remedies as may be appropriate. The court may grant such relief as it deems appropriate.***

Section 2. Subsection (7) of Section 4.996 of the Eugene Code, 1971, is amended to provide as follows:

4.996 Administrative Civil Penalty.

- (7) ***In addition to, and not in lieu of any other enforcement mechanism authorized by this code the city manager or designee may impose upon the person responsible for violation of sections 4.083 through 4.084, section 4.335, section 4.340, [~~and~~] section 4.430 **and sections 4.570 through 4.580** of this code, **and violations of administrative rules adopted under sections 4.570 through 4.580 of this code**, an administrative civil penalty as provided by section 2.018 of this code.***

Section 3. The City Manager shall adopt the administrative rules required by Section 4.578 of the Eugene Code, 1971 (“EC”) not later than January 31, 2015. In addition to other requirements imposed by EC 2.019 for administrative rule-making, as part of this initial administrative rule adoption process, the City Manager shall consider

at a minimum: (a) the findings in the Sick Leave Task Force report dated June 18, 2014; (b) similar ordinances adopted by other cities; and (c) input from a broad array of stakeholder perspectives including representatives of the business community, labor organizations and other workers, and advocates (both supporters and opponents).

Section 4. Notwithstanding the effective date of ordinances as provided in the Eugene Charter of 2002, the provisions of this Ordinance shall become effective on July 1, 2015, except that EC 4.578 and Section 3 of this Ordinance related to administrative rulemaking shall become effective in the normal course as provided in the Eugene Charter.

Section 5. On or before July 1, 2017, the City Council shall review the sick leave program adopted by this Ordinance.

Passed by the City Council this
____ day of July, 2014

Approved by the Mayor this
_____ day of July, 2014

City Recorder

Mayor