

January 10th, 2023

Dear members of LIUNA Local 737,

Effective January 2023, members working in construction will begin accruing paid sick leave. Getting access to paid sick leave for our members has been a priority of our Local, and we are proud to have succeeded in securing this benefit for our members through our political program at the state legislature. We have compiled a frequently asked questions (FAQ) below to help address some common questions. We also encourage our members to review further details at BOLI's website:

<https://www.oregon.gov/boli/workers/pages/sick-time.aspx>

- **What is paid sick leave/sick time?**
 - Sick time is protected time when you are allowed to miss work to take care of yourself or a family member that is sick, injured, experiencing mental illness, or needs to visit the doctor.
 - You get at least 1 hour of sick time for every 30 hours you work, up to 40 hours per year. Your employer can limit you to taking 40 hours of that accrued time every year.
 - **You do not pay anything for sick time. Your employer completely covers it. Sick time is separate from Paid Leave Oregon (paid family and medical leave).**
 - If you have questions about Paid Leave Oregon, visit the state's website here: <https://paidleave.oregon.gov/employees/Pages/frequently-asked-questions.aspx>
- **How does sick time accrual work?**
 - You will begin accruing sick time in January 2023.
 - Your sick time will be specific to your employer. If you change employers, you will begin accruing sick time at your new employer.
- **How do I know how much sick time I have?**
 - Your employer is required to let you know how much sick time you have accrued at least once every four months. Usually it will be on your paystub.
- **When can I start using sick time that I accrue?**
 - If you start employment at a new employer, the employer does not have to let you use sick time until you have worked at least 90 days at that employer. You will still accrue sick time during this period.
 - If you've already worked at your employer for 90 days once you start accruing in January 2023, you will be able to access your sick time immediately.
- **What can I use sick time for?¹**
 - To care for yourself or your family member with a mental or physical illness, injury, or health condition, need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition, or need for preventive medical care.
 - To care for an infant or newly adopted child under 18 years of age, or for a newly placed foster child under 18 years of age, or for an adopted or foster child older than 18 years of age if the child is incapable of self-care because of a mental or physical disability, completed within 12 months after birth or placement of the child.
 - To recover from or seek treatment for a health condition that renders you unable to perform at least one of the essential functions of your regular position.
 - Absences associated with the death of a family member.
 - Absences related to domestic violence, harassment, sexual assault or stalking.
 - In the event of a public health emergency.
- **How much should I be paid through my sick time?**
 - Your employer must pay you your regular wage when you take sick time:

¹ This is a partial list. Please see the BOLI website for more explanation on uses of sick time, including definitions of covered family members. <https://www.oregon.gov/boli/workers/pages/sick-time.aspx>

Feel the Power

- *Employees paid a single hourly rate of pay:* You must get the same hourly rate you would have earned for the period of time in which sick time is used if you had worked.
- *Employees paid multiple rates of pay:*
 - The wages you would have been paid, if known, for the period of time in which sick time is used; or
 - The weighted average of all regular rates of pay during the previous pay period.
- Your regular rate of pay does not include overtime, holiday pay, discretionary bonuses or other types of incentive pay, tips, or other premium rates. However, where your regular rate of pay includes a differential meant to compensate you for work performed under differing conditions, such a differential rate is not considered to be a premium rate and must be included.
- **Can my sick time be “cashed out” if I leave a job?**
 - Your employer is not required to pay you for unused sick time upon termination or resignation.
- **What happens to my sick leave if I leave an employer, but then return to that employer at a later date?**
 - If you return to an employer within 180 days, your sick time previously accrued at that employer will be accessible to you.
 - If you leave an employer before the 91st day of employment (the point at which you became legally entitled to access accrued sick time), you will retain your previously accrued sick time, and may use your accrued sick time once your combined total period of employment from all periods reaches the 90 day threshold.
- **Can my employer require a doctor’s note for me to use sick time?**
 - Yes, but only in these limited circumstances:
 - You take more than three consecutively scheduled workdays of sick time.
 - The need for sick time is foreseeable and is projected to last more than three consecutively scheduled workdays.
 - You use sick time without providing notice required by the employer’s sick time policy (which may not be more than 10 days’ advance notice for foreseeable use of sick time or more notice than is practicable in the event of an unforeseeable use of sick time).
 - Your employer has sufficient evidence to suspect that you are abusing sick time, including engaging in a pattern of absenteeism.
- **What if I have additional questions, or my employer isn’t following the law?**
 - Contact the Local at 541-801-2209.

***Note for public employees:** public employees were not subjected to the exemptions construction workers were, so your sick leave policies will not change.

Who pays for Paid Leave Oregon?

Paid Leave Oregon is a program we all pay into and benefit from. Here's how contributions work:

- The contribution rate will not be more than 1% of wages.
- Employees pay 60% of the contribution rate, no matter the employer size.
- Employers with 25 or more employees pay 40% of the contribution rate.
- Small employers with fewer than 25 employees are not required to contribute. Assistance grants are available.



Paid Leave Oregon



**Have questions?
We're here to help.**



Visit our website: paidleave.oregon.gov
Email us: paidleave@oregon.gov
Call us: 833-854-0166

Peace of mind when it matters most.

Paid Leave Oregon is a new program that allows employees in Oregon to take paid time off for many of life's most important moments.

Paid leave to care for yourself and those you love

Types of leave covered



Family Leave: to care for a family member with a serious illness or injury, or to bond with a new child after birth, adoption or foster care placement.



Medical Leave: during your own serious health condition.



Safe Leave: for survivors of sexual assault, domestic violence, harassment, or stalking.

When will the Paid Leave Oregon program start?



Contributions start in January 2023. Employees can start applying for benefits in September 2023.

Who's covered?

Any employee, no matter how many hours you work, who earned at least \$1,000 in the year before claiming paid leave may be eligible. This includes agricultural employees and those who may use an Individual Taxpayer Identification Number to file their taxes. Tribal governments, those who are self-employed, and independent contractors may choose to participate, but are not required.

What benefits are included for Oregon employees?

- You can take up to 12 weeks of paid leave per year (up to 14 weeks for pregnancy-related medical leave).
- You can take your leave when you need—a day, week or month at a time.
- If you've worked for your employer more than 90 days, then your job is protected. Your employer cannot penalize you for taking time off.
- The benefit amount you get paid will depend on your wages and income. Visit our website for more details.
- Many employees will have 100% of their wages covered.

A new program that allows employees in Oregon to take paid time off for some of life's most important moments that impact our families, health, and safety.



Family Leave – to care for a family member with a serious illness or injury; or to bond with a new child after birth, adoption, or foster care placement.



Medical Leave – during one's own serious health condition.



Safe Leave – for survivors of sexual assault, domestic violence, harassment, or stalking.

Can I use paid leave benefits if my family is sick or injured?

Yes. You are covered to care for a family member that is sick or injured.

Who is considered my family under the Paid Leave program?

Any person related by blood, or whose relationship with you is like family.

When can I apply for benefits?

September 2023

How much paid leave can I get?

12 weeks of paid leave per year, plus an additional two weeks for limitations related to pregnancy. You can use paid leave one work day at a time or consecutively.

How much money will I get?

Many employees will get 100% of their wages replaced. Your benefit amount is based on your average wages from the previous year. The minimum weekly amount is currently about \$61, and the maximum weekly amount is about \$1,469. Minimum and maximum amounts are based on the state average weekly wage, which is updated every year on July 1.

What are the requirements to collect paid leave benefits?

Employees requesting paid leave benefits must have:

- ➔ Experienced a qualifying event
- ➔ Completed an application
- ➔ Earned \$1,000 in wages in the past year
- ➔ Contributed to the paid leave trust fund through paycheck deductions

When should I notify my employer I intend to take paid leave?

If you know you will need to take paid leave, you must notify your employer in writing at least 30 days before you take leave. If you need to take leave unexpectedly, you must give verbal notice within 24 hours of starting your leave and provide written notice within three days after the start of your leave.

Which employees are covered by Paid Leave Oregon?

Paid Leave Oregon covers most employees who work in Oregon, including those who are salaried, hourly, full-time, part-time, and seasonal.

Which employees are not covered by Paid Leave Oregon?

People who are not covered by paid leave are:

- ➔ Federal employees
- ➔ Tribal government employees
- ➔ People who are self-employed or independent contractors
- ➔ Employees that only work outside of Oregon

If I am not covered by Paid Leave Oregon, can I choose to join the program?

Tribal governments may choose to participate in the Paid Leave program, and their employees will be covered. People who are self-employed or independent contractors may also choose to join the Paid Leave program.

How is Oregon's Paid Leave program different from Family Medical Leave Act (FMLA) and Oregon Family Leave Act (OFLA)?




Each program has many rules and can be complex. A chart showing details is on the Paid Leave Oregon [website](#). Please work with your human resources representative to determine which program best fits your needs.

A new program that allows employees in Oregon to take paid time off for some of life's most important moments that impact our families, health and safety.

What are contributions and when do they start?

Employees and employers will pay contributions to support Paid Leave Oregon starting on Jan. 1, 2023.

What are contributions used for?

-  Paid leave benefits for employees
-  Grants to help small employers when their employees use paid leave
-  Program administration

How much are contributions? Contributions are a percentage of wages. The rate for 2023 is 1% of up to \$132,900 in wages.

How are contributions shared between employers and employees? Employees pay 60% of the set contribution rate, and employers pay 40%. For example, if an employee made \$1,000 in wages, the employee would pay \$6 and the employer would pay \$4 for this paycheck. Employers may choose to pay the employee portion as a benefit for their employees.

Which employers and employees are required to participate in Paid Leave Oregon? All employers, except federal and tribal governments, are required to participate in the Paid Leave program. Tribal governments can choose to provide coverage through the program.

All employees, except employees of federal and tribal governments, are required to participate in Paid Leave Oregon. Employees of tribal governments participate if their tribal government chooses coverage. Self-employed individuals and independent contractors can also choose to participate.

What support is available to small employers? Small employers (fewer than 25 employees) are not required to pay the employer portion of contributions. The Employment Department will notify employers of their size each year.

Assistance grants are available for small employers to help with the costs of replacing an employee taking paid leave. The grants cover up to \$3,000 per employee for up to 10 employees per year (\$30,000 total). Small employers that receive grants commit to pay the employer portion of contributions for two years.

How are wages reported and contributions paid to the department? Contributions are a payroll tax and will be included in combined payroll forms starting in January 2023. Employers will deduct employees’ paid leave contributions from paychecks. Employers will then report wages and pay both the employee and employer contributions through the combined payroll reporting process.

Are contributions required for employees who live or work in multiple states? Contributions are required for employees who primarily work in Oregon, even if employees live in another state or occasionally work in another state. Oregon residents who work entirely in another state do not pay contributions.

How are Paid Leave contributions different from Unemployment Insurance tax? The Employment Department administers both Paid Leave Oregon contributions and Unemployment Insurance taxes. Below are some program similarities and differences.

Paid Leave Oregon contributions	Unemployment Insurance taxes
Same contribution rate for all employers. Rate is not connected to benefit usage from employer.	Different tax rates for employers. Rate is connected to benefits usage from employer.
Contribution rate and maximum wage set annually by November 15.	Tax rates and taxable wage base set annually by November 15.
Contributions paid by employees and employers.	Tax paid by employers only.
Contributions based on employee wages.	Tax based on employee wages.
Contribution paid through combined payroll reporting.	Tax paid through combined payroll reporting.
No reimbursement option for employers.	Some employers can reimburse for benefits instead of paying tax.
Penalties and interests for employers for late reporting and contribution payments.	Penalties and interests for employers for late reporting and contribution payments.

Are there alternatives to the state paid leave plan for employers?
Yes, employers can apply for approval to use their own equivalent plan to provide benefits that are equal to or greater than those provided by the state paid leave program. Employers with an approved equivalent plan still report wages through payroll reports, but they are not required to pay contributions. Information about equivalent plans is available online at <https://paidleave.oregon.gov>.