



**Administrative Regulation**

**Sick Leave Reserve**

<b>Policy #</b>	03-02.07
<b>Effective Date:</b>	September 17, 2019
<b>Revision Date:</b>	November 14, 2022
<b>Owner:</b>	Human Resources

**Purpose:**

To administer a voluntary program intended to provide income replacement during a non-work related, serious illness or injury.

**Scope:**

This benefit applies to all regular benefited employees who are non-union or in unions that include this benefit in their Collective Bargaining Agreement.

*Effective December 31, 2025, the SRLP program shall expire as part of the implementation/rollout of the Oregon Paid Family Leave law in calendar year 2023.*

**Policy:**

The Sick Leave Reserve Program may provide income replacement through a sick leave bank when:

1. The employee or their family member has a serious illness or injury as defined by OFLA/FMLA, and
2. The employee has depleted all available paid time off benefits, and
3. The employee is a current member of the Sick Leave Reserve program.

**Procedure:**

1. Membership

1.1. Employees must enroll each year during the benefit open enrollment period by completing a participation form.

1.1.1. Effective January 1, 2023, this form authorizes contribution of one (1) hour of unused sick or Paid Time Off (PTO) leave to the Sick Leave Reserve Bank for the current benefit plan year.

1.1.2. Employees must provide full leave contribution to the Sick Leave Reserve Bank in order to be eligible for the benefit.

1.1.3. If the Sick Leave Reserve Program does not have sufficient hours contributed for the needs during that benefit year, members will be required to make a second contribution to maintain membership in the program.

1.2. New employees will be given thirty (30) days from date of hire to elect to participate and to complete the membership requirements.

1.3. An employee who does not elect to participate during the initial enrollment period or during the annual open enrollment period forfeits the right to membership for the applicable plan year.

## 2. Benefit

2.1. An eligible member will be eligible for up to 30 workdays (240 hours) of Sick Leave Reserve hours in any one (1) benefit year. Workdays are based on pro-rated Full Time Equivalency (FTE).

2.2. Sick leave hours received in the form of income replacement through the Sick Leave Reserve Program shall be at the recipient's base rate of pay.

2.3. An employee shall not accrue leave benefits or seniority while receiving Sick Leave Reserve Benefits.

2.4. Deferred Compensation contributions cannot be deducted from income replacement compensation received through this program.

2.5. Premium payments for benefits will be deducted from income replacement compensation received through this program.

## 3. Requesting Sick Leave Reserve Benefits

3.1. The employee must submit the Employee Application for Sick Leave Reserve Benefits Form to the Human Resources Department.

3.2. Income replacement resulting from approval of the Sick Leave Reserve request will be effective as of the date of request or the day after all available paid leave has been exhausted, whichever is later.

3.3. The request for Sick Leave Reserve must include a doctor's statement supporting the continued absence from work.

3.4. An employee will be required to submit a new request for each *occurrence*.

## 4. Termination of Sick Leave Reserve Benefit.

4.1. The authorization to use Sick Leave Reserve will end if one of the following applies:

4.1.1. The illness or injury no longer prevents the employee from performing regular or modified duties.

4.1.2. The maximum days allowable has been received.

4.1.3. The employee qualifies for disability or worker's compensation benefits.

4.1.4. The Sick Leave Reserve Bank has been depleted.

## 5. Appeal Process

5.1. An employee whose request for Sick Leave Reserve has been denied can appeal the decision by making a written statement to the City Manager. They will review the facts and circumstances and notify the employee within 5 working days of their decision.

## **Definitions**

1. "*Benefit Year*" is defined as January 1 through December 31.
2. "*Family Member*" for the purpose of this administrative means the spouse, same-gender domestic partner, custodial parent, non-custodial parent, adoptive parent, foster parent, biological parent, stepparent, parent-in-law, parent of same-gender domestic partner, grandparent or grandchild of the employee, or a person with whom the employee is or was in a relationship of in loco parentis. It also includes the biological, adopted, foster or stepchild of an employee or the child of an employee's same-gender domestic partner. An employee's child may be either a minor or an adult at the time serious health condition leave.
3. "*Serious Illness or Injury*" is a condition involving continuing treatment by a healthcare provider including any of the following conditions:
  - 3.1. A period of incapacity for more than 3 consecutive calendar days involving treatment by a healthcare provider two or more times, or at least one time that results in a regimen of continuing treatment.
  - 3.2. Any period of incapacity due to pregnancy or prenatal care;
  - 3.3. Any period of incapacity due to a chronic health condition;
  - 3.4. A period of incapacity that is permanent or long-term for which treatment may not be effective (e.g., Alzheimer's severe stroke, terminal states of a disease);
  - 3.5. Any period of absence to receive multiple treatments either for restorative surgery after an accident or injury or for a condition that would likely result in an incapacity for 3 or more day on the absence of medical treatment (e.g., cancer, sever arthritis);

- 3.6. Allergies or mental conditions resulting from stress but only if they meet all of the other criteria of a serious health condition; and
- 3.7. Substance abuse, but only if the employee is taking leave for treatment by a healthcare provider to resolve the substance abuse.
4. *“Paid time off benefits”* are any City offered accrued leaves, workers compensation, and disability insurance benefits.
5. *“Occurrence”* is any time missed from work that’s related to a single specific serious illness or injury. The time missed could either be continuous or incremental.

**Resources:**

1. [Family Medical Leave Administrative Regulation \(03-02.2\)](#)
2. [Leave Donation Administrative Regulation \(03-02.06\)](#)
3. [Paid Time Off \(PTO\) Administrative Regulation \(03-02.01\)](#)
4. [Sick Leave Administrative Regulation \(03-02.04\)](#)

**CREATION (Original):**

This administrative regulation is in effect as of the date of my signature. I authorize the Human Resource Director to modify the history and resources sections and header, footer, and numbering without my reauthorization. The administrative regulation remains in effect should these revisions occur.			
<b>Approved By:</b>	Mary Bridget Smith, City Manager (Pro Tem)	<b>Dates:</b>	September 17, 2019
<b>Author:</b>	Chaim Hertz, Director of Human Resources		
<b>Responsible Party:</b>	Human Resources		
<b>Replaces:</b>	Personnel Policy 4.12 Sick Leave Reserve Program		

**PERIODIC REVIEW:**

<b>Reviewer:</b>		<b>Date:</b>	
<b>Reviewer:</b>		<b>Date:</b>	
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<b>Reviewer:</b>		<b>Date:</b>	
<b>Reviewer:</b>		<b>Date:</b>	

**REVISIONS:**

Version  #2:	<b>Responsible Party:</b>	Human Resources		
	<b>Revised By:</b>	Chaim Hertz, Director of Human Resources		
	<b>Approved By:</b>	Nancy Newton, City Manager	<b>Date:</b>	November 10, 2022
	<b>Reason/Summary of Changes:</b>	Added a retirement date of 2025 because of Paid Leave Oregon and reduced the participation requirement from 8 hours to 1 hour.		