



JANUS YOUTH PROGRAMS, INC.
707 NE COUCH STREET
PORTLAND, OREGON 97232

PAID OREGON SICK LEAVE FOR TEMPORARY WORKERS (INCLUDING
SUBSTITUTE WORKERS), EMPLOYEES WORKING LESS THAN HALF-TIME, AND
ANY OTHER NON-BENEFIT ELIGIBLE EMPLOYEES.

January 1, 2016

The following policy applies to employees of Janus Youth Programs, Inc. (“Janus”) who are not working in positions that otherwise qualify them to accrue Agency sick leave OR paid time off (temporary workers, substitute workers and employees working less than half-time). This policy is intended to and should be construed to fully comply with the Oregon Sick Time law, 2015 Senate Bill 454 (2015 Oregon Laws, Chapter 537) in Oregon Revised Statutes, Chapter 653 and Oregon Administrative Regulations Chapter 839, Division 7, effective January 1, 2016. (For employees who are eligible to receive PTO or Agency sick time under Janus’ pre-existing benefits policies – *i.e.*, those in benefit-eligible positions – Janus complies with the Oregon Sick Time via those paid leave benefits.)

In the event of any conflict between this policy and applicable law, the law will be followed. For any questions about leave, including sick leave described herein, please contact the Human Resources Department.

Effective Date: January 1, 2016

Eligible Employees: Employees working in temporary, substitute, or less than half-time positions (who do not otherwise accrue PTO or Agency sick leave under Janus’ pre-existing benefits policies) will begin accruing sick leave under this policy as of January 1, 2016 or upon commencement of employment if after January 1, 2016. New employees are eligible to access and use their accrued sick leave beginning as of their 91st calendar day of employment. Employees already employed by Janus as of January 1, 2016, are eligible to access and use sick leave as soon as it is accrued if they have a qualifying covered reason for their absence (as described further below).

Rehired employees: Unused sick leave is forfeited and not cashed out at the time of separation from employment, but any prior, unused accrual will be restored for employees who are reemployed within 180 days of their separation from employment. Rehired employees are not eligible to use their Oregon Sick Leave until they have been employed for over 90 days (cumulatively, which will include days worked prior to reemployment). Employees who are rehired more than 180 days after leaving employment will need to again accrue sick leave and satisfy the initial eligibility requirements of working more than 90 days before being eligible to use their accrued sick leave.

Sick Time Accrual: Eligible employees begin accruing sick time as of January 1, 2016 or from their date of employment if commencing employment after January 1, 2016. Eligible employees earn 1 hour of sick time for every 30 hours worked and may accrue a maximum of 40 hours of sick time per calendar year. Exempt employees are presumed to work 40 hours in each workweek for purposes of sick time accrual unless their normal workweek is less than 40 hours, in which case sick time is accrued based upon the employee's normal workweek.

Sick Time Carry-Over: An eligible employee may carry over up to 40 hours of accrued sick time for use in subsequent calendar years; however, the maximum accrual is capped at 80 hours. The maximum amount of sick leave that can be accrued in any calendar year is 40 hours, and the maximum amount of sick leave allowed to be taken in any calendar year is limited to a maximum of 40 hours.

Qualifying Absences: Sick time may be used for the following reasons:

- For an employee's 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.
- For care of an eligible family member with a mental or physical illness, injury or health condition; care of an eligible family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; or care of an eligible family member who needs preventive medical care. "Family member" for purposes of this sick leave policy includes an employee's spouse; biological child, adopted child, foster child or stepchild of any age; same-gender domestic partner, custodial parent, non-custodial parent, adoptive parent, foster parent, biological parent, stepparent, parent-in-law, a parent or child of an employee's same-gender domestic partner, an employee's grandparent or grandchild, or a person with whom the employee is or was in a relationship of in loco parentis.
- For the following purposes specified in the Oregon Family Leave Act (OFLA) at ORS 659A.159:
 - 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. Leave must be completed within 12 months after birth or placement of the child, and an eligible employee is not entitled to any period of leave under this subsection after the expiration of 12 months after birth or placement of the child.
 - To care for a covered family member with a serious health condition as defined above and in OAR 839-009-0210(7).
 - To recover from or seek treatment for a serious health condition of the employee as defined in OAR 839-009-0210(20) that renders the employee unable to perform at least one of the essential functions of the employee's regular position.
 - To care for a child of the employee who is suffering from an illness, injury or condition that is not a serious health condition as defined in OAR 839-009-0210(20), but that requires home care.

- To deal with the death of a covered family member within 60 days of the date on which the eligible employee receives notice of the death of the eligible family member by: (a) attending the funeral or alternative to a funeral of the family member; (b) making arrangements necessitated by the death of the family member; or (c) grieving the death of the family member
- For the following purposes specified in Oregon’s Domestic Violence Leave Law, ORS 659A.272:
 - To seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee’s minor child or dependent, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, harassment, sexual assault or stalking.
 - To seek medical treatment for or to recover from injuries caused by domestic violence or sexual assault to or harassment or stalking of the eligible employee or the employee’s minor child or dependent.
 - To obtain, or to assist a minor child or dependent in obtaining counseling from a licensed mental health professional related to an experience of domestic violence, harassment, sexual assault or stalking.
 - To obtain services from a victim services provider for the eligible employee or the employee’s minor child or dependents in connection with domestic violence, harassment, sexual assault, or stalking.
 - To relocate, pursuant to OAR 839-009-0345, or take steps to secure an existing home to ensure the health and safety of the eligible employee or the employee’s minor child or dependent in connection with domestic violence, harassment, sexual assault or stalking.
- In the event of a public health emergency, including but not limited to:
 - Closure of the employee’s place of business, or the school or place of care of the employee’s child, by order of a public official due to a public health emergency;
 - A determination by a lawful public health authority or by a health care provider that the presence of the employee or the eligible family member of the employee in the community would jeopardize the health of others, such that the employee must provide self-care or care for the eligible family member.
 - The exclusion of the employee from the workplace under any law or rule that requires the employer to exclude the employee from the workplace for health reasons.
- Care for a covered family member when it has been determined by a public health authority or by a health care provider that the family member’s presence in the community would jeopardize the health of others.
- Employer exclusion of an employee from the workplace for health reasons per any law or regulation that requires such exclusion.

Use of Sick Time:

Sick time may be used for qualifying absences and may be used to cover all or part of a shift. An employee can use a maximum of 40 hours of accrued sick leave per calendar year. An employee absent

from work for a qualifying reason must use accrued sick time hours on the first day and each subsequent day of absence until all accrued time has been used. When using sick time, employees are not required to find coverage for their shift and are not required to make up time missed. Janus treats the up to 40 hours of sick time per calendar year under this policy as protected leave and does not consider the leave for purposes of assessing attendance or job performance.

An employee may NOT use sick time if the employee is not scheduled to work on the shift for which sick time is requested. Employees hired on or after January 1, 2016 may NOT use sick time until they have satisfied the eligibility requirements of 90 calendar days of employment. Once the initial waiting period for new employees has been satisfied, they are not required to wait 90 calendar days in subsequent years and, instead, are entitled to immediately access sick time accruals in subsequent years. However, employees who separate from employment with a lapse of more than 180 days before reemployment must again accrue sick leave and wait until the 91st day of new employment to access any accrual.

Employees are expected to accurately record their use of sick time on their timesheets. *Use of Oregon Sick Leave should be reflected on timesheets using the drop-down menu under add hours/pay code.*

Accrual Balances of Oregon Sick Leave when moving to a “Benefit-Eligible” position:

Employees who move from a position accruing Oregon Sick Leave into a position accruing Paid Time Off under Janus’ leave policy will maintain their Oregon Sick Leave accrual (up to a maximum of 80 hours). They will cease accruing Oregon Sick Leave upon moving into their new position but will be able to use their Oregon Sick Leave accrual in accordance with this policy. Accrual balances for both Oregon Sick Leave and PTO will show separately in the payroll system.

For example: An employee working in a temporary, part-time position has accrued 32 hours of Oregon Sick Leave under this policy. They are hired into a 30-hour per week position and are eligible for accrual of PTO according to Agency policy (benefit-eligible). They will cease accruing Oregon Sick Leave and their 32 hours of Oregon Sick Leave accrual will be reflected in the payroll system (available under timecard view/accrual information). They can use their accrued Oregon Sick Leave for any qualifying purpose subject to conditions as stipulated in this policy. They will begin accruing and can use accrued paid-time-off in accordance with Agency policy. Their PTO balance will be reflected in the payroll system (timecard view/accrual information).

Conversion of leave time when moving from a “Benefit-Eligible” position: Employees who leave a benefit-eligible position with accrued PTO hours but elect to remain employed in a position qualifying them for sick leave under this policy will be paid out their existing PTO hours (subject to Agency limits) and begin accruing sick leave under this policy effective with change of position/FTE.

For example, a full-time employee leaves their position but remains as a substitute worker, working on a casual, part-time basis. They have 32 hours of PTO at time of termination from their “regular” position. They will be paid out their 32 hours of PTO and, upon change of position

to substitute worker, will begin accruing sick leave under this policy. They will be eligible to use accrued sick leave as it is accrued as long as they have met the initial eligibility of being employed more than 90 days.

Payment of Sick Leave Hours:

When using sick time, employees will be paid at the rate the employee would have earned had they not been absent; however, employees will not be paid for lost tips, commissions, overtime or holiday pay.

Accrued but unused sick time is forfeited and will not be paid to the employee upon termination, resignation, retirement or other separation of employment.

Rehires:

An employee reemployed within 180 days of separation is entitled to have previously accrued sick time restored upon reemployment. They are also eligible to use accrued sick time, assuming that cumulatively they have met the initial eligibility requirement of 90 calendar days of employment.

Employee Notice:

Employees can access their Oregon Sick Leave accrual via our payroll system under Time Management/Time Off Requests or Time card/accrual information.

For planned and foreseeable sick leave, the employee must submit a leave request form to their supervisor at least 10 days prior to the date the leave will commence or as soon as practicable. Employees must make reasonable efforts to schedule planned sick leave in a manner that does not unduly disrupt operations and should attempt not to schedule sick leave during peak work hours, when work is time-sensitive, or when mandatory meetings are scheduled. Leave Request Forms are available on the Agency's website at www.janusyouth.org (staff area).

When sick leave is unforeseeable, the employee must verbally notify his or her supervisor (or the on-call supervisor or relief coordinator appropriate to their worksite's procedure) of the need for sick time at least 4 hours before the start of the scheduled work shift, or as soon as practicable. Employees must follow the usual and customary notice and reporting procedures for their department, program, or work site and promptly advise their supervisor on any day when they must miss work for any covered sick time reason so that the time can be appropriately tracked, paid, and designated as protected leave.

Employee failure to provide notice as stated in this policy or failure to reasonably attempt to schedule sick leave in a manner that does not unduly disrupt operations may be subject to disciplinary action.

Employee Documentation: If an employee uses more than three consecutive days of sick leave, the Agency may request reasonable documentation from a health care provider or other appropriate

individuals verifying the employee is out for a qualifying reason and is released to return to work. The Agency may deny the approval and use of protected sick time for an absence until the employee provides the requested documentation. Sick leave is provided for your legitimate needs and is not to be abused. An employee deemed to have obtained sick leave by fraud is subject to discipline, up to and including termination of employment.

Interaction with Other Leave: An employee's use of sick time may run concurrently with other leave under state or federal law, including leave taken pursuant to the Oregon/Washington Family Leave Act or the federal Family and Medical Leave Act. An employee may not use paid sick time while receiving "lost time" benefits under workers' compensation.

Application to Employees working in Washington: This policy will be in effect for employees working in the State of Washington until the State of Washington or a relevant municipality within the State of Washington enacts paid sick leave provisions otherwise impacting Janus employees.