

# Metro | *Policies and procedures*

**Subject** Sick Leave for Non-represented Variable Hour and Temporary Employees  
**Section** Human Resources  
**Approved by** Martha Bennett, Chief Operating Officer; MERC Commission

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## **POLICY**

*Metro provides paid sick leave to non-represented variable hour and temporary employees in accordance with this policy.*

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## **Applicable to**

All non-represented variable hour and temporary employees.

*The availability of sick leave for represented employees is determined by the applicable collective bargaining agreement.*

## **Definitions**

**Qualifying Family Member:** An employee's spouse or domestic partner; biological, adopted or foster parent or child; child or parent of a domestic partner; parent-in-law; stepparent, grandchild, grandparent and grandparent-in-law; sibling and any other person for which the employee is a legal guardian or is in a relationship of in loco parentis; or as otherwise required by law.

**Temporary:** Temporary employees are hired to staff vacant, budgeted positions due to an employee's absence, to fulfill unbudgeted additional staffing needs as they arise or to fulfill seasonal needs. Temporary employees may not work more than 1040 hours per year, measured from the original hire date. For the purposes of this policy, interns paid by Metro are treated like temporary employees, except interns may exceed 1040 hours in a twelve month period. (Interns who are students and provided employment opportunities for financial or vocational training through secondary or post-secondary educational institutions' work study programs are not eligible for paid sick leave.)

**Variable Hour:** Variable hour employees are hired and scheduled for work as needed and to staff and support events at Metro and MERC facilities/venues. Variable hour employees include non-represented, part-time MERC employees. Variable hour employees' work schedules will be determined by business needs and may result in a period of routine and ongoing scheduling or more sporadic scheduling. Non-represented variable hour employees have no guarantee of a minimum or maximum number of work hours, nor are they limited to a certain number of work hours per year.

## Guidelines

1. Non-represented variable hour and temporary employees may earn and use paid sick leave based on their hours paid.
2. Employees must comply with attendance and call-in expectations for their position as outlined in procedures below. Misuse of sick leave may be grounds for discipline, up to and including termination.

## Procedures

1. Rate of Accrual: Non-represented variable hour and temporary employees accrue paid sick leave at a rate of .05 hours per hour paid. Employees may accrue and use up to a maximum of forty (40) hours of sick leave annually.
2. Eligibility for Use:
  - a. Employees shall be eligible to use earned sick leave after 60 calendar days of service.
3. Use of Sick Leave:
  - a. Employees shall be eligible to use sick leave as soon as it is accrued.
  - b. When using sick leave, employees will report sick leave consistent with rules for entering hours worked.
4. Notification: For unforeseen absences, employees unable to report to work shall contact their supervisor and report the reason for their absence pursuant to their department notification procedures, unless it is not practicable to provide notice. Employees are then required to provide notice as soon as practicable. For foreseeable absences, employees should notify their supervisor of their need to use sick leave at least 10 days in advance. For qualifying unforeseeable leaves, employees should provide notice as soon as is practicable.
5. Reasons for Sick Leave Use:

Employees may use accrued sick leave:

  - a. For mental or physical illness, injury or health condition, medical care, diagnosis and treatment, or preventive medical care of a mental or physical illness, injury or health condition, for themselves or for a qualifying family member.
  - b. When leave is for a purpose specified by FMLA or OFLA.
  - c. To address domestic violence, harassment, sexual assault, or stalking in accordance with state law and Metro's Domestic Violence, Sexual Assault, Criminal Harassment and Stalking Protections Policy.
  - d. In the event of a public health emergency, which includes closure of the school or place of care of an employee's child, or by order of a public official due to a public health emergency.
6. Documentation: An employee's supervisor may require the employee to provide a note from a health care provider or other professional supporting the need for leave in the following situations:
  - a. If the employee takes more than three consecutive scheduled workdays of sick time.
  - b. If the employee is suspected of misusing and/or abusing sick time.

Medical verification shall be provided within 15 calendar days after the supervisor requests the verification. Metro will pay any reasonable costs for providing medical verification or certification. Failure to provide requested documentation may result in disciplinary action, up to and including termination.

7. Rate of Pay: Sick leave will be paid at the employee's rate of pay for that job and shift for the hours the employee was scheduled to work on that day.
8. Unused Sick Leave at Termination: An employee's accrued sick leave will not be paid out upon termination, resignation, retirement or other separation from employment.
9. Reinstatement: Employees re-employed within 180 calendar days of termination will have their accrued sick leave balance restored. Employees who leave Metro employment prior to 60 calendar days after initial date of hire and return within 180 calendar days of termination shall be entitled to begin using their accrued sick leave after their total combined period of employment with Metro exceeds 60 calendar days.
10. Reporting of Sick Leave to PERS: Metro shall participate in the PERS unused sick leave program. Metro shall report the number of unused sick leave hours to PERS as provided in ORS 238.350. As a result, once an employee is terminated from the agency, there is no carry-over of sick leave hours should the employee be rehired at a later date except as provided in the paragraph above regarding reinstatement within 180 calendar days.
11. Written Notification of Accruals: Metro will provide notification on employees' pay statements of the amount of accrued and unused sick time available for use by an employee.
12. Misuse of Sick Leave: May be grounds for discipline, up to and including termination.

## **Responsibilities**

### Employees:

- Notify your supervisor as soon as possible of your absence for unforeseen absences following attendance and call-in policies applicable to your work group.
- For planned absences, when possible provide at least ten (10) days advance notice.
- Make a reasonable attempt to schedule the use of sick time in a manner that does not unduly disrupt Metro's operations.
- For unforeseen qualifying leaves, provide notice as soon as is practicable.
- If advance notice of sick leave has not been requested, provide medical verification of need for sick leave within fifteen (15) calendar days after supervisor or HR requests it.
- Code leave appropriately in Metro's timekeeping system. Use sick leave for approved purposes only.

### Supervisors:

- Request supporting documentation if needed to substantiate the employee's need for leave when the employee has been absent for more than three (3) consecutive days or you have reason to believe the employee is misusing or abusing sick leave. (Note: Metro may need to pay costs of requesting documentation from medical provider that are not covered by health care benefits.)

- Address misuse of sick leave with employees in a timely manner, consulting with Human Resources as needed.
- Approve or deny advance requests for sick leave and notify the employee as soon as possible. You may not deny, interfere with, restrain or fail to authorize sick time to which an employee is entitled.
- You may not require employees using accrued sick leave to find replacement for or make-up their scheduled hours.
- You may not retaliate or in any way discriminate against an employee with respect to any term or condition of employment because the employee has inquired about, requested or taken sick time, nor interfere with an employee's right to take accrued sick leave.
- Ensure that leave is coded appropriately in Metro's timekeeping system.

### **Conformity with State Law**

The application of this policy is intended to comply with state law. Human Resources will notify employees of changes in guidelines/procedure for use of sick leave pending issuance of state regulations.