

# Linn Benton Lincoln Education Service District

Code: GCBDD/GDBDD  
Adopted: 2/23/19  
Revised: 3/12/25

## Sick Time \*

“Employee” means an individual who renders personal services at a fixed rate to the ESD if the ESD either pays or agrees to pay for personal services or permits the individual to perform personal services. The definition does not include volunteers or independent contractors. Nothing in this policy impacts the ESD’s sick leave obligation under Oregon Revised Statute (ORS) 332.507.

Employees qualify to begin earning and accruing sick time on the first day of employment with the ESD and are eligible to use sick time beginning on the 91st calendar day of employment with the ESD and may use sick time as it is accrued.

For all full or part time represented licensed employees and full or part time regular classified employees and administrators paid sick time of 40 hours shall be front-loaded at the beginning of the fiscal year. Employees who are not employed for a full year will be front-loaded<sup>1</sup> a prorated amount based on actual work days for the year.

For Temporary Professional Employees or Substitute Employees paid sick time shall accrue at the rate of at least one hour for every 30 hours or 1-1/3 hours for every 40 hours the employee works.

An employee may carry up to 40 hours of unused sick time from one year to the subsequent year. An employee is limited to using no more than 40 hours of sick time in a fiscal year.

Sick time shall be taken in increments rounded to the nearest quarter of an hour *except for licensed substitute employees who must take sick time in 4 hour increments*. Sick time may be used for reasons that are consistent with the Family Medical Leave Act (FMLA) and the Oregon Family Leave Act (OFLA) including the employee’s or family member’s<sup>2</sup> 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; need for preventive care; parental leave (FMLA and OFLA), sick child leave and bereavement leave (OFLA only). Sick time may also be used in the event of a public health emergency or for leave to address domestic violence, harassment, sexual assault, bias, or stalking under ORS 659A.272.

The use of sick time may not lead to, or result in, an adverse employment action against the employee.

The ESD reserves the right, after an employee uses sick time for more than five consecutive scheduled workdays, to require verification or certification in accordance with law of the need for the sick time. This may include requesting a medical verification or certification<sup>3</sup> paid for by the ESD. The medical

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<sup>1</sup> For employees employed by an employer for less than a full year, “front-load” means to assign and make available to an employee as soon as the employee becomes eligible to use sick time a number of hours of sick time that is the pro rata percentage of the hours the employee would be entitled to for an entire year based on the number of hours the employee was actually employed by the employer for the year. ORS 653.601(5)(b)

<sup>2</sup>“Family member” is defined by the Oregon Family Leave Act (OFLA).

<sup>3</sup> In the case of need for leave under ORS 659A.272, the ESD may not require the verification or certification to explain the nature of the illness or details related to the domestic violence, sexual assault, harassment, bias, or stalking, which necessitates the use of sick time.

verification must be received within 15 calendar days of the request by the ESD. If an employee fails to provide verification or certification or fails to provide other evidence as required by the ESD, the employee shall be subject to appropriate disciplinary action, up to and including dismissal.

When the reason for sick time is consistent with FMLA, PFMLI or OFLA leave, sick time leave and qualifying FMLA, PFMLI or OFLA leave will run concurrently.

When the reason for sick time is consistent with ORS 332.507, the sick time leave and leave pursuant to ORS 332.507 will run concurrently.

When the reason for sick time is consistent with applicable leaves contained in Board Policy, the licensed collective bargaining agreement, the classified Handbook or the Administrator/Specialist Handbook covering an employee, sick time and applicable leave will run concurrently.

If the reason for sick time is a foreseeable absence, the ESD requires an employee to provide advance notice of the intention to use sick time as soon as practicable. When the employee uses sick time for a foreseeable absence, the employee shall take reasonable effort to schedule the sick time in a manner that does not unduly disrupt the operations of the ESD (e.g., inservice training, mandatory meetings). The ESD may discipline an employee if the employee fails to make a reasonable effort to schedule leave in a manner that does not unduly disrupt the operations of the ESD.

If the reason for sick time is unforeseeable, such as an emergency, accident or sudden illness, the employee shall notify the ESD before the start of the employee's shift, or when circumstances prevent the employee from providing notice as required, as soon as practicable. Substitutes shall provide at least 12 hours advance notice.

Accrued sick time has no value upon termination. However, if an employee leaves employment with LBL and is re-employed within 180 days, LBL will restore their sick time balance.

The ESD may discipline an employee for violating workplace policies and procedures if the employee fails to provide notice as required.

The ESD shall establish a standard process to track the eligibility for sick time of temporary and substitute employees.

END OF POLICY

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**Legal Reference(s):**

[ORS 332.507](#)  
[ORS 342.545](#)

[ORS 342.610](#)  
[ORS 659A.150 to -659A.186](#)

OAR 839-007-0020-0065

Americans with Disabilities Act/Americans with Disabilities Act Amendments Act, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2018); 28 C.F.R. Part 35 (2023).

Family and Medical Leave Act, 29 U.S.C. §§ 2601-2654 (2018); Family and Medical Leave Act, 29 C.F.R. Part 825 (2018).