

Substitute Educator Sick Leave Policy for Portland Public Schools

Eligibility

The District provides substitute educators with sick leave in accordance with the Oregon Paid Sick Leave Law, the Oregon Bureau of Labor and Industries' administrative rules, ORS 332.507 and the substitute educator bargaining agreement with PAT. Sick leave use runs concurrently with Oregon Family Medical Leave, federal Family and Medical Leave and other leave where allowed by law.

Accrual

Substitute educators accrue paid sick leave at a rate of one (1) day per seventeen and seven tenths (17.7) days paid. Substitute educators begin accruing paid sick leave at the outset of their employment with the District. There is no limit on the amount of sick leave substitute educators may accrue.

Transfer

A substitute educator who has accumulated sick leave during employment in another Oregon school district shall be entitled to transfer any accumulated sick leave from such district upon proper verification, but only if the Substitute educator agrees to substitute only for Portland Public Schools. The transfer of sick leave accumulated with another Oregon district shall be effective when the substitute educator has completed the equivalent of thirty (30) work days in the District. The District will provide notice to the other school district upon the transfer of sick leave balances. A substitute educator may transfer up to 75 days of sick leave accumulated in another district. A substitute educator may use up to ten (10) days of transferred sick leave days per year in addition to any District-accrued sick leave.

Use

Substitute educators may use District-earned sick leave as it accrues, except that newly-hired Substitute educators may use District-earned sick leave beginning on their 31st calendar day of employment. Sick leave may only be used on days when the substitute educator has a bona fide intention of working for the District. Substitute educators will not accept a full or half-day assignment which conflicts with a known need to use sick leave such as an already scheduled medical or dental appointment.

Substitute educators may not work for another school district while using District sick leave, and may not work for the District while using sick leave with another school district.

Substitute educators may use sick leave in full or half day increments for the following reasons:

1. For the diagnosis, care or treatment of the employee, or the employee's covered family member, for mental or physical illness, injury or health condition and includes preventative medical care such as prenatal visits and routine medical and dental visits;
 - "Family member" means the eligible employee's spouse, domestic partner, children, parents, brothers, sisters, mother-in-law, father-in-law, grandparents, grandchildren, stepparents, stepchildren, stepsiblings or other persons who regularly live in the professional educator's home
2. If the employee, or the employee's minor child or dependent, is a victim of domestic violence, harassment, sexual assault or stalking as defined by Oregon law (ORS 659A.272) and requires leave for any of the purposes in that law;
3. If the employee's place of business is closed, or the employee's child's school or place of care is closed, by order of a public official due to a public health emergency;
4. To care for a covered family member whose presence in the community would jeopardize the health of others, as determined by a lawful public health official or a licensed health care provider who is primarily responsible for providing health care to the family member;
5. If the District is required by law to exclude the employee from work for health reasons; or
6. For any purpose allowed by the Oregon Family Leave Act, including bereavement.

Payment

Substitute educators using sick leave pursuant to this policy will be paid for sick leave at the base rate of pay the substitute educator would have earned during the leave including the extended rate if applicable. Substitute educators will not be paid for lost extended hours or overtime opportunities unless specifically required by the substitute position. Substitute educator use of paid sick leave is considered paid time, and shall be considered time worked by the District. Generally, sick leave pay will be included in the paycheck for the next payroll period after sick leave is used, provided the substitute educator submits adequate documentation verifying that the absence was for a qualifying reason whenever required by this policy. Substitute educators will receive a report of sick leave available and used on their paystubs.

Employee Notice

Substitute educators must request to use sick leave via the Substitute Educator Sick Leave Request Form. Substitute educators may not accept a job in Absence Management of less than five consecutive workdays that conflicts with a known need to use sick leave such as an already scheduled medical or dental appointment. For purposes of this section only, having scheduled medical or dental appointments does not indicate that a substitute educator does not have a bona fide intention to work, if the appointment can only be scheduled during normal school hours.

Foreseeable Leave

Sick Leave Requests for foreseeable, planned absences should be submitted 10 calendar days prior to the date the sick leave will begin, or as soon as practicable. If a substitute educator has already been assigned to a job in Absence Management when the need to use foreseeable sick leave arises, the substitute educator must also remove themselves from the assigned job in Absence Management at the time of the request. Substitute educators must make a reasonable effort to schedule foreseeable sick leave in a manner that is not unduly disruptive to the District. Substitute educators must inform the Substitute Office of any change in the expected duration of sick leave as soon as is practicable.

Unforeseeable Leave

When a substitute educator must use sick leave for an unforeseeable reason on a day that the substitute educator had a bona fide intention of working but had not yet been assigned to a job in absence management, the substitute educator must submit the substitute educator Sick Leave Request Form prior to 11:59 pm on the day the sick leave use commences, or as soon as practicable.

If a substitute educator has already been assigned to a job in Absence Management when the need to use unforeseeable sick leave arises, they must also remove themselves from the assigned job in Absence Management at least 2 hours prior to the start time of the assignment or as soon as practicable. If the substitute educator is unable to cancel the job in Absence Management, email or call the Substitute Office.

The District may discipline a substitute educator for failing to provide proper notice, for failing to make a reasonable effort to schedule leave in a manner that is not unduly disruptive to the business and operations, or for sick leave abuse.

Sick Leave Documentation

If a substitute educator takes more than five (5) consecutively scheduled workdays as sick leave, the District may require reasonable documentation showing that the substitute was absent for an approved reason. Reasonable documentation includes documentation signed by a healthcare provider, or documentation for victims of domestic violence, harassment, sexual assault or stalking. If the District suspects sick leave abuse, including but not limited to repeated use of unscheduled sick leave on or adjacent to weekends, holidays, and paydays, or in a manner that suggests the substitute did not have a bona-fide intention of working, the District may require reasonable documentation on a more frequent basis. If a substitute educator fails to provide the required documentation, the District may withhold pay for the sick leave used until the substitute provides the required documentation.

PPS agrees to comply with any bargaining obligations owed before making changes to this policy, including giving notice and the opportunity to bargain before making changes to any mandatory subject of bargaining or permissive subject with mandatory impacts.

If you have questions, please email ppssub@pps.net.