



# Electronic Alert

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## Oregon Sick Time, School Closures, & Quarantined Employees

By Amy Angel & Sean Ray

With the Governor closing all Oregon schools through the end of March, we are reminding employers that Oregon's sick time law has special provisions that cover these situations.

Oregon's sick time law requires all employers to allow employees to earn and use up to 40 hours of protected sick time each year. An employee may not be disciplined or terminated for using protected sick time.

The law specifically covers absences for the following situations during a public health emergency:

- 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 a health care provider that the presence of the employee or the family member of the employee in the community would jeopardize the health of others; or
- 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.

This means that employees needing to stay home with a child due to the Governor's order to close schools are entitled to use their accrued and unused Oregon sick time even if the child or the employee is not sick. It also means that if a health care provider instructs an employee or the employee's family member to self-quarantine, the employee is entitled to use Oregon sick time to cover those absences even if the employee or family member is not sick.

Remember that employees are entitled to use sick time for the usual reasons as well, including for their own illness or health condition as well as to care for a family member with an illness or health condition. This includes time off to obtain a medical diagnosis, treatment, or preventative medical care.

For employees requesting time off due to the Governor's decision to close schools or due to a health care provider's instruction to self-quarantine, you should allow employees to use accrued sick time and you should not count these absences as attendance violations. Consult legal counsel for specific questions about adjusting and applying your time-off policies in these situations and to determine whether OFLA or FMLA may also apply to particular absences.

We will continue to keep you updated on specific legal issues as the situation evolves.

*If you have any questions surrounding sick time, leave laws, or other questions related to navigating coronavirus in the workplace, contact Amy Angel at 503-276-2195 or [aangel@barran.com](mailto:aangel@barran.com), or Sean Ray at 503-276-2135 or [sray@barran.com](mailto:sray@barran.com). You can also learn more [here](#) about our advice work surrounding COVID-19.*