

# Electronic Alert

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## **BOLI Issues Temporary Rule Regarding Use of Sick Time Due to Evacuations, Air Quality, & Extreme Heat**

By Amy Angel

Oregon's Bureau of Labor and Industries (BOLI) has issued a temporary rule clarifying that employees may use sick time accrued under Oregon's Sick Time law for official evacuations and public health emergencies relating to air quality and extreme heat events.

Oregon's Sick Time law permits employees to use accrued sick time in the event of a public health emergency. The temporary rule clarifies that when an authorized public official orders emergency evacuation or determines that air quality and heat index exposure jeopardize the health of an employee, the employee can use their accrued sick time.

Specifically, the temporary rule expressly states that employees may use accrued sick time in the event of a public health emergency, including but not limited to:

- an emergency evacuation order of level 2 (SET) or level 3 (GO) issued by a public official with the authority to do so, if the area subject to the order includes EITHER the employer's place of business OR the employee's home address; and
- a determination by a public official with the authority to do so that the air quality index or heat index are at a level where continued exposure to such levels would jeopardize the health of the employee.

The temporary rule is effective July 22, 2021, through January 17, 2022.

Employers should update their sick time policies and train supervisors to recognize when accrued sick time may be used to cover qualifying absences.

*For questions regarding this temporary rule or for any other leave matters, contact Amy Angel at 503-276-2195 or [aangel@barran.com](mailto:aangel@barran.com).*