



NOTICE OF PROPOSED RULEMAKING INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 839

BUREAU OF LABOR AND INDUSTRIES

FILED

10/20/2025 3:06 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amends rule to update permissible uses of sick time.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/08/2025 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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NEED FOR THE RULE(S)

Legislation adopted in 2024 and 2025 modified the permissible uses of sick time under ORS 653.601 to 653.661. These rule amendments are necessary to update the rule to account for those changes.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

2025 Senate Bill 69 is available here: <https://olis.oregonlegislature.gov/liz/2025R1/Measures/Overview/SB69>

2025 Senate Bill 1108 is available here: <https://olis.oregonlegislature.gov/liz/2025R1/Measures/Overview/SB1108>

2024 Senate Bill 1515 is available here: <https://olis.oregonlegislature.gov/liz/2024R1/Measures/Overview/SB1515>

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

These rule amendments make three changes to the rule, each of which is necessary to conform to statutory changes adopted since 2024. As a consequence, these rule amendments are unlikely to affect racial equity in this state.

FISCAL AND ECONOMIC IMPACT:

Because the three changes made by these rule amendments conform to statutory changes made by the Legislative Assembly, these rule amendments are unlikely to create a fiscal or economic impact.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

State agencies, units of local government, and members of the public who are employers or employees are subject to these rules. Employers who employ at least 10 employees (or 6 employees if the employer is located in the city of

Portland) must provide paid sick leave. However, because these rules seek to codify existing law, it is unlikely that these rule amendments will have an economic effect on these employers and employees. Furthermore, the rule amendments are related to the permissible uses of sick leave rather than whether an employer must provide sick leave to their employees.

According to the 2024 Small Business Profile produced by the United States Small Business Administration's Office of Advocacy, there are more than 400,000 small businesses in Oregon across a wide array of industries. The Office of Advocacy indicates that nearly 315,000 of these businesses do not have any employees, nearly 87,000 have fewer than 20 employees and nearly 10,000 have fewer than 500 employees. Thus, these rules likely apply to more than 10,000 small businesses.

As indicated above, these rule amendments are unlikely to impose any reporting, recordkeeping or administrative activities and costs that the statutes do not already impose. For this reason, these rule amendments are also unlikely to impact the cost of professional services, equipment supplies, labor or increased administration.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses, as well as members of the public, are invited to comment on these rules. In addition, the Bureau will post notice of this rulemaking on its webpage and in the Oregon bulletin, while also disseminating this notice to the Bureau's mailing list.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

Given the scope of these changes and the available resources, the Bureau believes that any issues related to these rule amendments are likely to be efficiently surfaced via this public rulemaking notice and request for public comment.

AMEND: 839-007-0020

RULE SUMMARY: Amends rule to update permissible uses of sick time.

CHANGES TO RULE:

839-007-0020

Permissible Use of Sick Time ¶¶

Pursuant to ORS 653.616 and these rules an employee may use sick time for any of the following:¶¶

- (1) For an employee's 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; or need for preventive medical care.¶¶
- (2) For care of a family member with a mental or physical illness, injury or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; or care of a family member who needs preventive medical care.¶¶
- (3) For the following purposes under ORS 659A.159 to 659A.186:¶¶
 - (a) For bereavement leave, child placement leave or pregnancy disability leave, as those terms are described in OAR 839-009-0230.¶¶
 - (b) To care for a child of the employee who is suffering from an illness, injury or condition that requires home care or who requires home care due to the closure of the child's school or child care provider as a result of a public health emergency.¶¶
- (4) For the following purposes specified in ORS 659A.272:¶¶
 - (a) To seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's minor child or dependent, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, harassment, sexual assault or stalking.¶¶
 - (b) To seek medical treatment for or to recover from injuries caused by domestic violence or sexual assault to or harassment or stalking of the eligible employee or the employee's minor child or dependent.¶¶
 - (c) To obtain, or to assist a minor child or dependent in obtaining, counseling from a licensed mental health

professional related to an experience of domestic violence, harassment, sexual assault or stalking.¶¶

(d) To obtain services from a victim services provider for the eligible employee or the employee's minor child or dependent.¶¶

(e) To relocate, pursuant to OAR 839-009-0345, or take steps to secure an existing home to ensure the health and safety of the eligible employee or the employee's minor child or dependent.¶¶

(5) For a purpose specified in ORS 657B.020.¶¶

(6) To donate accrued sick time to another employee if the other employee uses the donated sick time for a purpose specified in this rule and the employer has a policy that allows an employee to donate sick time to a coworker for a purpose specified in this rule.¶¶

(67) In the event of a public health emergency, including, but not limited to:¶¶

(a) 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;¶¶

(b) A determination by a lawful public health authority or by 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, such that the employee must provide self-care or care for the family member;¶¶

(c) 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;¶¶

(d) The following public health emergencies are permissible uses of sick leave unless the employee is employed as a first responder:¶¶

(A) 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 affected area subject to the order includes either the location of the employer's place of business or the employee's home address; or¶¶

(B) 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.¶¶

(78) For purposes authorized under ORS chapter 657B, including during periods of time blood donation that is made in connection with the absence for which paid sick leave is taken also qualifies as family or voluntary program for the donation of blood that is approved or accredited by the American Association of Blood Banks or the American Red Cross.

Statutory/Other Authority: ORS 651.060, ORS 653.601-653.661

Statutes/Other Implemented: ORS 653.601-653.661