



## NEW LAWS FROM THE 2017 STATE LEGISLATURE

### SB 299 AMENDMENTS TO SICK LEAVE LAW

This law was adopted to clarify questions that arose from the mandatory sick leave law created by the 2015 legislature, which became effective January 1, 2016. It is now clear that employers may limit the accrual of sick time by their employees to 40 hours each year, whether it is paid or unpaid. Under the 2016 law, employers could set a 40 hour limit on the carryover of sick leave hours from one year to the next and that has not changed. I had previously interpreted the new law as also including the 40-hour yearly accrual limit, and SB 299 now removes any doubt. Combining the two limits, accrual and carryover, employees may thus “bank” up to 80 hours of sick leave in a given year—up to 40 hours from the previous year and up to 40 hours accrued during that year.

Employers with paid leave policies that are more generous than the mandatory law must comply with the state law on accrual and carryover for the first 40 hours only. They may impose any accrual or carryover restrictions on any additional leave provided under their policies. This protects employer policies which allow use of paid leave and do not distinguish between sick leave or vacation or personal time, but also restrict accrual or carryover of such leave. After providing for 40 hours’ worth of accrual and carryover each year, employers remain free to apply “use it or lose it” policies to any additional leave granted by their policies.

### DISTRACTED DRIVER LAWS

Employers whose employees now drive as part of their job duties should be aware of the new distracted driving rules, which take effect October 1. House Bill 2597 now makes it illegal to drive in Oregon while holding or using any electronic device, including cell phones, GPS, laptops, or tablets. Once the drive begins driving, only a “single touch or swipe to activate or deactivate the device” is permitted. This strict limitation applies even when drivers are stopped at intersections or lights. It remains legal to use hands-free and built in devices while driving.

Previous exemptions for employees performing work while driving have been narrowed. The exemptions now include only drivers making medical emergency calls, truck and bus drivers who follow federal transportation rules and two-way radios used by utility drivers and school bus drivers. Of course, police, fire, ambulance and emergency vehicle drivers are exempted as long as they are using the devices within the scope of their employment.

The new law carries substantially greater sanctions than the previous law, with a first offense carrying a presumptive fine of \$260 up to a maximum of \$1,000, and a second offense results in a presumptive fine of \$435 and a maximum fine of \$2,500. A third distracted driving offense conviction within a ten year period will be treated as a traffic crime, with repeat offenders facing jail time.

Employers should make employees aware of these new requirements and include, in your employee handbooks or other policy statements, strict prohibitions on use of electronic devices while driving in the course and scope of employment.

### **NEXT STEP IN MINIMUM WAGE...**

*The next step in the progressive Oregon minimum wage increase took effect July 1, 2017. The “Standard” rate applies to employers in Benton, Linn, Lane, Marion, and Polk Counties, among others, and is now \$10.25 per hour. The increase in the minimum wage does not require employers to raise the pay rates of employees already employed at or above that hourly rate.*