

What Happens if my Protected Leave is Denied, Canceled or Exhausted?



What happens?

If your claim for protected leave is denied, canceled or you have exhausted the amount of protected leave allowed under leave laws:

- Your absences are not protected by law. This means your absences are:
 - Subject to the county's leave policies and notification procedures
 - The absences can be used in the disciplinary process
 - Use of your accrued leave other than Oregon Sick Leave may only be taken at the discretion of your supervisor
 - You must use accrued leave before you go into a leave without pay status (LWOP)
 - If you do not work in a paid status (e.g. by using accruals) for 88 hours in the month you will not accrue benefits for the following month

NOTE: Oregon Sick Leave law protects the first 40 hours of sick leave. After that, using sick leave does not provide you the protections of the Oregon Sick Leave law.

What can I do?

- If you have accrued leave you can use it to cover your absences with supervisor approval. This can help you remain in a paid status for the 88 hours needed to accrue further benefits. Unless you are on Paid Family & Medical Leave (PFML) you must use your leave accruals in this order, except where your collective bargaining agreement allows otherwise: 1) sick leave; 2) vacation; 3) personal holiday; and 4) compensatory time (if available.) You can, but do not have to, use your accrued leave if you are on PFML.
- If you need an extended absence due to a disability you may qualify for an accommodation under the Americans with Disabilities Act (ADA). If so, file a claim for accommodation under the ADA with The Standard. Your healthcare provider will need to certify that you need an extended absence as an accommodation.