

...Paid sick leave scores second Oregon win

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555 represents over 400 workers in Eugene whose union contracts provide paid sick leave, but only after an illness has lasted three days. Now those workers — grocery workers at Fred Meyer, Safeway, and Albertsons, and meat-cutters at Red Apple Market and Long's Meat Market — will be able to use the sick leave on the first day of an illness.

County sneak attack

The sick leave ordinance enjoyed broad support from the public, and even from some business owners, like Falling Sky Brewery (which became the site of the sick leave campaign's victory party July 30.)

But because 40 hours a year of paid

sick leave could increase payroll costs (by as much as 1.9 percent), the Eugene Area Chamber of Commerce fought vehemently against the ordinance. The week before the vote, it found sympathy among the Lane County Board of Commissioners. Months after Eugene City Council held the first hearings on the sick leave ordinance, Lane County Commissioner Jay Bozievich rushed forward three ordinances aimed at undercutting or preventing the sick leave ordinance. The first of the three county ordinances exempts other public employers from the ordinance (The city ordinance ended up doing that anyway). The second declares that city ordinances regulating employment conditions don't apply to employers if their

addresses are outside city limits. The third, dubbed the "nuclear option," declares any local government ordinance that regulates employment conditions to be "without legal force and effect" in Lane County. All three ordinances declare an emergency, so that they could take effect immediately, "for the immediate preservation of the public peace, health and safety."

The anti-paid-sick-leave county ordinances were scheduled for a vote July 21, when Commissioner Pete Sorenson, a supporter of paid sick leave, was scheduled to be out of town. The first two passed 4-0, and the third passed 3-1.

Willamette University law professor Charles Diller, an expert on pre-emp-

tion, said Lane County's pre-emption ordinance may be unprecedented. County governments often set a regulatory floor that applies county-wide, but Diller said he's never heard of a county telling cities they may *not* regulate in a given area.

Incredibly, the three county ordinances cite the fact that Oregon puts counties in charge of protecting public health as grounds for attempting to strike down a city public health measure. In contrast, when Portland City Council was considering its ordinance, Multnomah County officials testified — quite reasonably — that paid sick leave is justified on public health grounds because it reduces the spread of contagious disease in workplaces and schools.

The Lane County ordinances also cite the "home rule authority" counties

are given under the Oregon constitution. But the City of Eugene has the same home rule authority. By approving the three ordinances, County commissioners set the stage for a taxpayer-funded legal battle between two public bodies. If and when that comes to pass, independent legal experts say the County is likely to lose.

Sick leave supporters reacted with shock when Lane County approved the three ordinances, and they're vowing to hold the commissioners accountable: Commissioners Jay Bozievich, Sid Leiken, and Faye Stewart, voted for all three, and County Chair Pat Farr voted for the first two.

"Every action has an equal and opposite reaction," said Local 555 Secretary Treasurer Jeff Anderson. "In 2016, the Lane County commissioners will see theirs."



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