

Larkin **Oregon - Leave Highlights**

<p>What is the Update?</p>	<p>Oregon Family Leave Act (OFLA) Oregon has an unpaid family and medical leave law, the Oregon Family Leave Act (OFLA). OFLA is administered directly by employers (we administer this on our client's behalf). OR PLO, OFLA and federal FMLA will run concurrently together, when an employee is eligible for each law. Currently, employees are capped at a combined amount of paid and unpaid leave under PLO and OFLA of not more than 16 weeks of leave (or 18 weeks for certain pregnancy related conditions), however will change soon as a result of Senate Bill 1515 (see our update below).</p> <p>Update (03/19/24, Effective 03/02/24): Oregon's Bureau of Labor and Industries recently approved rules to amend OFLA. Here are top features of the final rules:</p> <ul style="list-style-type: none"> - The definition for a relationship by "affinity" was clarified. Additionally, if an employee requests sick time to care for a family member related by affinity, employers are allowed to provide the employee with an attestation form so the employee can attest to the family-like relationship. - The definition of a "serious health condition" under OFLA now also includes pregnancy termination, and fertility or infertility treatments. - If an employee is denied under PLO, the denial does not become a basis for an employer to also deny OFLA leave. Employers have an independent responsibility to determine OFLA eligibility. - While calculating the average hours an employee has worked per week to determine an employee's eligibility under OFLA, these hours can now include any hours of protected leave taken, including OFLA leave, as well as hours actually worked. - Employers will need to update their OFLA leave year to be "measured forward" by July 1, 2024, if not already tracking leave with this method. The rules also state that if an employer transitions to the "measured forward" method, then all OFLA-eligible employees must be provided a full benefit year of leave as of the first day of the new OFLA leave year (i.e., by July 1, 2024). Employers who already track OFLA as measured forward will not be affected by this change. - If an employer requires the employee to present verification from a health care provider of their work clearance upon their return from OFLA leave for their own medical condition, the employer must pay for this return-to-work clearance. The rules require that this policy should be uniformly applied to all return-to-work verifications, so this would mean even for employees who did not use protected leave. <p>Additionally, there is another approved bill, Senate Bill 1515, which was signed by Governor Kotek on March 20, 2024. The following changes to OFLA and PLO will occur, beginning July 1, 2024.</p> <ul style="list-style-type: none"> - OFLA and PLO will not be allowed to be taken concurrently, rather, OFLA will be in addition to any leave under PLO. PLO will still be able to run concurrently with the federal FMLA. - Leave reasons under OFLA will no longer include parental bonding, family care, or medical leave. OFLA will continue to apply for leave reasons such as pregnancy disability, bereavement, sick child leave, and leave to care for a child of the employee or their spouse due to the closure of the child's school or child care provider as a result of a public health emergency. - Sick child leave will now include care for a child who is suffering from an illness, injury, or condition that is not a serious health condition, but still requires home care. - Bereavement leave will be reduced from 12 weeks to 4 weeks maximum within a 12-month period, still allowing 2 weeks per family member. - An employee will now be permitted to utilize PTO concurrently with PLO, so long as the combined amount of PTO and PLO benefits do not exceed their regular wage. Currently, PTO usage is permitted with mutual consent from the employer to supplement PLO. - Also under this bill, but effective January 1, 2025, family leave under PLO will now include leave to effectuate the legal process required for placement of a foster child or adoption. Due to this not being available under PLO until January 1, 2025, OFLA will instead cover this leave reason during the period of July 1, 2024 through December 31, 2024. <p>Update (05/15/24): The Oregon Bureau of Labor and Industries (BOLI) issued temporary rules to assist with navigating the changes made by SB 1515 going into effect July 1, 2024. The guidance addresses the transition of individuals covered under OFLA who would have been otherwise qualified if not for SB 1515. Employers who have designated or approved leave that was previously protected by OFLA may rescind a designation or approval of leave that is scheduled to occur on or after July 1, 2024. Employers who have designated or approved leave under OFLA that is scheduled to occur on or after July 1, 2024 must notify their employees by June 1, 2024, in writing, that the leave will not be protected by OFLA as of July 1. Additionally, employers must provide written information to an employee of their ability to apply for benefits under Paid Leave Oregon.</p>
<p>Handbook/Policy Updates</p>	<p>If you provide information relating to OFLA leave within your handbook or leave policies, it may be necessary to review and revise your procedures to align with the final rules' requirements.</p>
<p>Notice Requirements</p>	<p>The PLO model notice must be displayed in the workplace (and provided via email or mail to Oregon employees who work remotely). Thereafter, it must be provided to new hires and those assigned to work remotely in Oregon, who were not already informed of the law at the time of hire (such as employees who relocate from another state to work remotely in Oregon). Click here to view the model notice.</p>
<p>Larkin Action</p>	<p>The Larkin Company will consider any law changes carefully, and update our internal resources and processes, as well as our employee leave information packets, if necessary. We will continue to monitor any updates regarding the laws and will keep our clients updated.</p>
<p>Further Company Considerations</p>	<p>Adjust your contributions in line with the updates, effective 2023. Additionally, keep an eye out for The Larkin Company updates regarding the PLO and OFLA laws.</p>

Resources

- [Sign up for Employer Access to manage PLO Contributions here.](#)
- [PFMLI Program FAQs](#)
- [Employer Guidebook](#)
- [Employee Guidebook](#)
- [We would also recommend signing up for the state newsletter. here.](#)

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