

## How Does An Employer Know A Father is Entitled to Parental Leave?

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1) **My landscaping company has enough work for slightly more than twenty-five employees during the months of April to November. My company only maintains a crew of about ten employees after Thanksgiving. Does my company have to follow the Oregon Family Leave Act (OFLA)?**

Yes, an employer who has 25 or more employees in the State of Oregon for each working day during each of 20 or more calendar work weeks in 2008 or 2007 must follow the requirements of the Oregon Family Leave Act.

2) **Joseph, the crew chief, only works from April to November. Is he eligible to take OFLA leave?**

It depends. Joseph becomes OFLA-eligible by passing three tests:

Eligibility Test No. 1: Has Joseph been employed by your landscaping company for at least 180 days immediately preceding the first day of the OFLA leave?

If the answer is no, he is not eligible. If yes, you may proceed to No. 2

Eligibility Test No. 2: Has Joseph been employed by your landscaping company for an average of at least 25 hours per week during the 180 calendar days immediately preceding the first day of OFLA leave? (Please note this test is not applicable if Joseph wants to take parental leave.)

If the answer is no, he is not eligible. If yes, you may proceed to No. 3.

Eligibility Test No. 3: Is Joseph employed to work in the State of Oregon?

If the answer is no, he is not eligible. If yes, Joseph is an OFLA-eligible employee.

3) **One day a week Joseph and his crew travel to Vancouver and Camas, Washington, to service some of our accounts. Does that disqualify Joseph from becoming OFLA eligible?**

For the purpose of qualifying as an eligible employee, the employee need not work solely in the State of Oregon. Joseph will still be eligible if he meets eligibility tests 1 and 2.

4) **You must be a psychic. Joseph did mention yesterday that he would like to take parental leave in October, six months from now, after his wife gives birth to their first child. Joseph did put down his wife's name on the group health insurance application as a dependent but I have not met Joseph's wife. How could I tell that she is pregnant? How could I tell Joseph is entitled to parental leave?**

When an OFLA-eligible employee requests time off to bond with a newborn, no medical verification is required. You may not require Joseph to present a doctor's note before granting him parental leave. I imagine that it could be difficult for a mother, after giving birth in the delivery room, to ask her doctor to write a note for her spouse to be excused from work.

If your company determines that Joseph lied about his wife's pregnancy you may discipline him according to your company's policy.

If you would like to learn more about the Oregon Family Leave Act (OFLA) and the amended Family Medical Leave Act (FMLA), the Technical Assistance for Employers Program will be conducting seminars on Leave Laws in various cities: May 6, Medford; May 8, Portland; May 14, Oregon City; and May 21, Eugene. Please visit [www.oregon.gov/BOLI](http://www.oregon.gov/BOLI) for registration information.