

**Attachment F
OFLA Military Family Leave**

This is an attachment to State HR Policy 60.000.15 Family and Medical Leave that specifically addresses OFLA Military Family leave. The agency must follow the provisions of the main policy plus this attachment when administering OFLA Military Family leave.

- (1) Under OFLA only, an eligible employee may take protected leave when the employee's spouse (the employee's husband or wife as defined by Oregon state law) or same-sex domestic partner (an individual joined in a same-sex domestic partnership, under Oregon state law):
 - (a) Is a member of the Armed Forces of the United States, the National Guard or the military reserve forces of the United States
 - (b) Who during a period of military conflict:
 - (A) Is notified of an impending call or order to active duty
 - (B) Is on active duty
 - (C) Before deployment
 - (D) During respite from active duty during a deployment.
- (2) The leave is limited to 14 working days per deployment. For example: If an employee normally works Monday through Friday, the employee is entitled to 14 days of leave, which if taken consecutively would be Monday through Friday on two consecutive weeks plus Monday through Thursday of the third week.
 - (a) Each 14 days used counts toward the employee's total OFLA entitlement (up to 12 weeks) and may also qualify for and run concurrently with FMLA Qualifying Exigency leave.
 - (b) The employee is not required to use the entire 14 days all at once. For example, an employee may use three of his or her 14 days of OFLA Military Family leave when his or her spouse is called to active duty. The employee saves the remaining 11 days for when his or her spouse is on leave from deployment.
 - (c) There is nothing prescriptive in policy, law or rule that requires specific activities the employee must perform while taking this leave.
 - (d) The leave may be taken intermittently. For the purpose of intermittent leave:
 - (A) Calculate an employee's leave by multiplying the number of hours the employee normally works per day by 14. For example, an employee who normally works eight hours per day is entitled to 14 times eight hours, or a total of 112 hours of OFLA Military Family leave.
 - (B) If an employee's schedule varies from day to day, calculate a daily average of the employee's hours to determine the employee's normal workday. Examples: (1) an employee working an average of six hours per day is entitled to 14 times six hours, or a total of 84 hours. (2) An employee working an average of 10 hours per day is entitled to 14 times 10 hours, or 140 hours.
- (3) Certification: An agency has the option to require an employee to provide in writing a copy of the spouse or same-sex domestic partner's military orders. The employee provides any required copy of the orders within a reasonable time after receiving the written request. (The active duty orders of a covered military member generally specify if the service member is serving in support of a period of military conflict by citation to the relevant section of Title 10 of the United States Code or by reference to the specific name of the military conflict (see OAR 839-009-0380(7)).
- (4) The main policy outlines procedures for an employee to request OFLA Military Family leave and the agency's requirements when responding to a request.