



## PERMANENT ADMINISTRATIVE ORDER

**BLI 7-2020**  
CHAPTER 839  
BUREAU OF LABOR AND INDUSTRIES

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FILING CAPTION: Use of OFLA sick child leave during statewide public health emergency

EFFECTIVE DATE: 09/14/2020

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AMEND: 839-009-0230

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RULE SUMMARY: Address the ongoing closure of schools and child care providers due to the COVID-19 public health emergency.

CHANGES TO RULE:

839-009-0230

OFLA: Purposes for Taking Leave ¶¶

Eligible employees may take OFLA leave for the purposes commonly referred to as parental leave, serious health condition leave, pregnancy disability leave, sick child leave, and the death of a family member.¶¶

(1) Parental leave is leave taken for the birth of the employee's child, to care for the employee's newborn, newly adopted or newly placed foster child under 18 years of age or for a newly adopted or newly placed foster child 18 years of age or older who is incapable of self-care because of a physical or mental impairment. It includes leave time to effectuate the legal process required for placement of a foster child or the adoption of a child.¶¶

(2) Serious health condition leave is leave taken:¶¶

(a) To provide care for a family member with a serious health condition as defined in OAR 839-009-0210(20); or¶¶

(b) To recover from or seek treatment for a serious health condition that renders an employee unable to perform at least one essential function of the employee's regular position.¶¶

(3) Pregnancy disability leave is leave taken by a female employee for a disability related to pregnancy or childbirth, occurring before, during or after the birth of the child, or for prenatal care. Pregnancy disability leave is a form of serious health condition leave.¶¶

(4) Sick child leave is leave taken to care for an employee's child suffering from an illness ~~or~~, injury, or condition that requires home care but is not a serious health condition.¶¶

(a) Sick child leave includes absence to care for an employee's child whose school or child care provider has been closed in conjunction with a statewide public health emergency declared by a public health official.¶¶

(b) An employer is not required to grant leave for routine medical or dental appointments.¶¶

(5) Leave to deal with the death of a family member is leave taken to attend the funeral or alternative to a funeral

of the family member, to make arrangements necessitated by the death of the family member, or to grieve the death of the family member.

Statutory/Other Authority: ORS 659A.805

Statutes/Other Implemented: ORS 659A.150 - 659A.186