



Oregon

Governor Kate Brown

Department of Administrative Services

Office of the Chief Human Resources Officer

155 Cottage Street NE

Salem, OR 97301

PHONE: 503-378-2065

FAX: 503-373-7684

MEMORANDUM

To: Agency Heads and Agency Human Resources Directors

From: Madilyn Zike, Chief Human Resources Officer

Date: September 18, 2020

Subject: Addendum C – Family and Medical Leave,
60.000.15

Emboldened and italicized text reflects revisions and additions to current policy language.

Policy Statement:

As of September 14, 2020, the Executive Branch of state government modifies the Family and Medical Leave policy to include a definition of “Child Care Provider”, “Closure” and “Intermittent Leave” as it relates to sick child leave under the Oregon Family and Leave Act in response to the public health emergency for the time period of September 14, 2020 through March 12, 2021.

Policy Authority: Federal Family and Medical Leave Act (FMLA), as amended, 29 USC § 2601 et seq; federal regulations 29 CFR Part 825; Oregon Military Family Leave Act, ORS 659A.090 through 659A.099; Oregon Family Leave Act (OFLA), as amended, ORS 659A.150 through 659A.186; ORS 659A.306; OAR 839-009-0200 through 839-009-0460; OAR 166-300-0010 through 166-300-0045; OAR 101-030-0005 through 101-030-0027; the Americans with Disabilities Act (ADA), as amended (including the ADA Amendments Act), 42 USC § 12101 et seq; the Fair Labor Standards Act (FLSA), as amended, 29 USC § 201 et seq; and the Uniform Services Employment and Reemployment Rights Act (USERRA), as amended, 38 USC § 4301 et seq.

Applicability: All employees (including temporary employees) when not in conflict with an applicable collective bargaining agreement.

Attachments: None

Policy Amendments

Effective September 14, 2020, Family and Medical Leave policy 60.000.15 is amended as follows:

Definitions:

Child Care Provider: for the purpose of sick child leave during a statewide public health emergency declared by a public health official means a place of care or person who cares for a child. ¶

(a) A person who cares for a child includes but is not limited to individuals paid to provide child care, for example nannies, au pairs, and babysitters or individuals who provide child care at no cost and without a license on a regular basis, for example, grandparents, aunts, uncles, or neighbors. ¶

(b) Place of care is a physical location in which care is provided for a child including but not limited to day care facilities, preschools, before and after school care programs, schools, homes, summer camps, summer enrichment programs, and respite care programs. The physical location does not have to be solely dedicated to such care. ¶

Closure: for the purpose of sick child leave during a statewide public health emergency declared by a public health official means a closure that is ongoing, intermittent, or recurring and restricts physical access to the child's school or child care provider. ¶

(5)(d) For the purposes of OFLA, intermittent leave means leave taken in multiple blocks of time and/or requiring an altered or reduced work schedule including but not limited to sick child leave taken requiring an altered or reduced work schedule because the intermittent or recurring closure of a child's school or child care provider due to a statewide public health emergency declared by a public health official. ¶

Questions should be sent to CHRO.Policy@oregon.gov.