

Paid Leave Oregon [passed into law](#) in 2019 and provides employees easy access to Paid Leave Oregon benefits for events that impact their families, health, and safety.

FREQUENTLY ASKED QUESTIONS

1. What do I tell an employee who asks about applying for Paid Leave Oregon?

Please direct the employee to the Paid Leave Oregon website - <https://paidleave.oregon.gov/>

2. What resources can I provide employees about Paid Leave Oregon?

Employees may find information about Paid Leave Oregon on the Paid Leave Oregon website - <https://paidleave.oregon.gov/>

3. Who can help employees with questions about Short Term Disability and Paid Leave Oregon?

[PEBB](#) and [The Standard](#) can answer questions about Short Term Disability and how it is affected by Paid Leave Oregon.

4. What if an employee is paying Paid Leave Oregon contributions and don't think they should be?

The employee can work with their manager or HR Business Partner to make sure the employee has an accurate remote work agreement in Workday.

5. What is my role with Paid Leave Oregon as an Absence Partner?

An Absence Partner's role with Paid Leave Oregon is to initiate and complete the FMLA/OFLA process and document the approval of Paid Leave Oregon in the employee's Workday profile. If assigned to you by your agency, the Absence Partner will respond to Paid Leave Oregon notifications of an employee's application for benefits.

6. What if we receive notice of a Paid Leave application for an employee who works for a different agency?

Please respond indicating they do not work for your agency, list their current agency if known.

7. What if we receive notice of a Paid Leave application for someone we are unable to find in Workday?

Please respond indicating they do not work for your agency.

8. What is my responsibility when an employee tells me they have applied for Paid Leave Oregon?

When an employee notifies an Absence Partner they have applied for Paid Leave Oregon, Absence Partners may ask the reason for the leave. If it is for a new condition, Absence Partners begin the FMLA/OFLA process and send a notice of eligibility.

9. What do I do when the agency has received notification that an employee has applied for Paid Leave Oregon and the employee did not notify me?

When the agency receives notice an employee has applied for Paid Leave Oregon, the Absence Partner begins the FMLA/OFLA process and sends a notice of eligibility.

10. What is Frances Online?

Frances Online is the Oregon Employment Department's new system for employees and claimants to apply for Paid Leave Oregon benefits.

11. Who will have access to Frances Online?

Each agency will have an Administrator for the Benefits view in Frances Online. The Administrator delegates access to the appropriate people in the agency who are responsible for the processing of Paid Leave Oregon. They typically will be agency Absence Partners.

12. Who and where are the paper notifications from Paid Leave Oregon being sent to?

Paper notifications are being sent to the address the Oregon Employment Department has in their system.

13. Are Absence Partners responsible for responding to the questions on the paper notice of application or online?

Yes, if delegated access from the agency Frances Online Administrator.

14. Will the Paid Leave Oregon approval notices state if the condition is for the employee, family member, Safe leave, or Parental Leave?

No, notifications from Paid Leave Oregon will not state the reason for the leave.

15. Is there a new document category in Workday that we will house the Paid Leave Oregon notices?

Yes, it is Medical/Paid Leave Oregon/ (Letters Only – Eligibility, Entitlement and Qualifying Reasons). It is viewable by the Absence Partner, HR Partner, Manager and Employee.

16. Do we need to keep the paper copies of the notices from Paid Leave Oregon?

Agencies keep notifications from Paid Leave in the Paid Leave Oregon document category.

17. The notice of application has three questions for the employer to respond to. Do we contact Paid Leave Oregon to respond?

Yes, please contact Paid Leave Oregon at the number provided on the form and respond to the questions.

18. If the agency does not respond to the questions, will the employee's application for Paid Leave Oregon benefits be processed?

Yes, the employee's application for benefits will be processed after 10 days, even if no response is received.

19. How will agencies match up the medical documentation we receive to the Paid Leave Oregon approval?

Agencies do not need to match medical documentation to Paid Leave Oregon. The medical documentation we receive is for FMLA/OFLA purposes only.

20. *What Paid Leave Oregon information is added to the Additional Data fields in Workday?

Information that Paid Leave Oregon is pending, approved, or closed is documented in the Additional Data field in Workday. This section may also contain the Paid Leave benefit year start and end date, eligibility for job protection, and number of days approved. All notices received can be saved in the Paid Leave Oregon document type in Workday as well.

21. Does the notification of a Paid Leave Oregon application start the FMLA/OFLA notification timelines?

No, the notification of Paid Leave Oregon application we receive does not legally begin the FMLA/OFLA timeline process. However, the state responds to the notifications by sending a notice of eligibility.

22. What if an employee submits an application for Paid Leave Oregon but is not eligible for FMLA/OFLA?

If the employee has not met the eligibility criteria for FMLA/OFLA, the Absence Partner will send the FMLA/OFLA notice of eligibility to the employee.

23. *How long do I have to use my Paid Leave Oregon benefits?

Your Paid Leave Oregon benefit year will begin the Sunday immediately preceding the first day you use leave. It will run for 52 weeks from that date.

24. *How long do I have to use my FMLA and OFLA entitlements?

Starting in January 2024 the FMLA and OFLA leave years have moved to a 52-week rolling forward schedule. Your leave year will begin the Sunday immediately preceding the first day you use leave and will run for 52 weeks from that date.

25. *What if an employee, who is already approved for FMLA/OFLA submits an application for Paid Leave Oregon for different dates of leave than has been approved FMLA/OFLA for?

If the dates for leave are different between Paid Leave Oregon and an already designated FMLA/OFLA leave, the Absence Partner may contact the employee for updated documentation of the need for leave if no notice has been received from Paid Leave Oregon. If we have a notice from Paid Leave Oregon and the leave is continuous, no health certification is required.

26. *What if we receive a notice that an employee has applied for Paid Leave Oregon but they have not asked for FMLA or OFLA?

For continuous blocks of leave you can automatically provisionally designate the leave without a health certification. For intermittent leave you can send the normal designation along with a request for health certification. There are also two “cover letters” available on the toolkit that you can send to provide information to the employee and request additional information from them.

27. If an employee has multiple intermittent conditions for themselves, are they required to apply for Paid Leave Oregon for each condition and thus receive approval from Paid Leave Oregon for each condition?

Employees will need to contact Paid Leave Oregon directly for questions about the program.

28. Can agencies tell employees they may only take parental leave in a continuous block of time if they are also receiving Paid Leave?

No, an employee receiving Paid Leave Oregon for parental leave is allowed to take the leave intermittently. While OFLA does not require it, Paid Leave does, and the most generous law applies.

29. Has BOLI published the attestation form for family member affinity?

As of the date of this FAQ, BOLI has not. However, we have added an attestation form to the [Family Medical Leave](#) Toolkit website.

30. *Have the new family members and affinity family members been added to workday absence request fields for OFLA purposes yet?

The absence request process for protected leave has been revamped for 2024. Employees will select Protected Leave as the leave type. They will then select the reason that applies to their situation (Paid Leave Oregon, OFLA, FMLA, or any combination).

29. *If an employee is approved for Paid Leave Oregon, how many hours of OFLA entitlements need to be added?

We no longer have buckets of protected leave (balances that show and reduce as requests are approved) so you do not need to add hours as you used to. You will need to document the condition and the entitlement available on the additional data tab of the employee profile. To calculate entitlement hours there are two reports available in Workday, one for OFLA and one for FMLA (Protected Leave .. OFLA Entitlement Hours and Protected Leave .. FMLA Eligibility and Entitlement Hours).

30. *How does the Paid Leave Oregon benefit year affect OFLA entitlements?

While in a Paid Leave benefit year an employee will be limited to 16 weeks of leave (or 18 for pregnancy related conditions). This means even if the OFLA leave year reset, if an employee is in a Paid Leave benefit year and has used 16 weeks (or 18 weeks) of leave, they will not be able to take more until the Paid Leave benefit year resets. There is a report in the Absence Partner worklet in Workday (Protected Leave .. OFLA Available Hours Within Paid Leave Oregon Benefit Year) that can be used to determine remaining weeks of leave available. Please also see concurrency scenarios on the CHRO Paid Leave Oregon resource page.

31. If an employee previously exhausted their OFLA entitlements, when do we send an OFLA eligibility notice?

The Absence Partner sends the OFLA eligibility notice when a notification of approved Paid Leave Oregon application is received.

32. *When do we send an employee a designation notice further designating OFLA if we *do not* already have supporting information or a notice from Paid Leave Oregon for continuous leave?

The Absence Partner sends the designation notice once the employee returns information supporting the need for additional leave.

33. When do we send an employee a designation notice further designating OFLA if we already have supporting information?

The Absence Partner sends the designation notice once the employee returns information supporting the need for additional leave, or the employee tells the Absence Partner the leave is for documentation previously submitted.

34. *Is Paid Leave Oregon entered on the absence calendar in 2024?

Yes. The process for requesting protected leave is similar to the process last year where there are two absence requests required. One will account for the type of protected leave and the other will account for accrued leave or LWOP.

35. *How does an employee enter Paid Leave Oregon on their timesheet?

Employees record Paid Leave Oregon by submitting a leave request in Workday. When doing so the employee will select Protected Leave as the leave type and then select Paid Leave Oregon (or a combination of FMLA/OFLA and Paid Leave Oregon) as the reason. They will need to be sure to submit another leave request for their accrued leave or Leave Without Pay usage in order to account for their work time.

36. Employee are asking for copies of their medical information for Paid Leave Oregon, are we required to provide the employee with the requested medical information since they have access in their Workday documents?

Absence Partners may direct the employees to their Workday profile to access the information. If necessary, though, the Absence Partner can provide the information.

37. If Paid Leave Oregon approves an employee's leave, but the agency denies the request, does the Paid Leave Oregon approval start the employees Paid Leave Oregon leave year even though they aren't approved for FMLA/OFLA?

Yes, the Paid Leave Oregon leave year begins, regardless of approval of FMLA or OFLA.

38. *Are employees able to "top off" their Paid Leave Oregon payments by using their own accrued leave?

Yes, employees may use their accrued leave in any amount on the dates they receive Paid Leave Oregon. However, they cannot be paid more than their normal salary by the agency. When combined with Paid Leave Oregon benefits, they may receive more than 100% of their normal wages.

39. *If employees are allowed to “top off” their Paid Leave Oregon payments is Payroll responsible for determining the amount of accrued leave an employee needs to use each day to make them whole?

No, the employee will be responsible for calculating the amount of accrued leave to be used. Payroll or absence partners may be asked for assistance. There is a calculator available on the CHRO website.

40. What if an employee works on the same day we are notified they used Paid Leave Oregon?

If an employee works on a day the Absence Partner is notified the employee also received Paid Leave Oregon benefits, the employee will be inaccurately paid by Paid Leave Oregon. No notification from the Absence Partner is given to Paid Leave Oregon. Paid Leave Oregon will work out the overpayment.

41. *Will there be a reconciliation between Paid Leave Oregon and the agency?

Yes, details are still being determined but the dates benefits were approved for, and dates worked will be reconciled.

42. Are agencies required to produce off-cycle checks when an employee uses accrued leave while receiving Paid Leave Oregon?

No, there is no requirement to produce off-cycle checks. Agencies follow their standard practices for producing off-cycle checks.

43. *Are employees allowed to retroactively enter accrued leave for dates they receive Paid Leave Oregon?

If an employee chooses to use Leave Without Pay while their claim is pending or while receiving benefits and later changes to use accrued leave, the agency will apply accrued leave and provide payment to the employee within three business days unless that falls within payroll blackout dates.

44. *Are employees allowed to retroactively enter Leave Without Pay when they had previously entered accrued leave?

If the employee chooses to use accrued leave while their claim is pending or while receiving benefits and later wishes to change to Leave Without Pay, their request will not be accepted. Employees cannot retroactively change to LWOP after being paid by using their accrued leave.

45. *What if we don't know if the employee wants to use accrued leave?

The absence partner can include a letter with the FMLA/OFLA packet that asks the employee to list the accrued leave they would like to use. This letter indicates that we will place them on a leave of absence in Workday to avoid overpayments until we hear back. If we do not hear back they will remain on a leave of absence in Workday.

46. Will the agency track how much Paid Leave Oregon an employee takes?

No, Paid Leave Oregon benefits will be tracked by Paid Leave Oregon.

47. When must an employee notify their agency that they will be taking leave?

Employees must provide at least 30 calendar days' notice to the agency before commencing family, medical or safe leave under Paid Leave Oregon, when foreseeable. If the leave is not foreseeable, an employee must give

verbal notice within 24 hours of the beginning of the leave and written notice within three days of the beginning of the leave.

48. *May an employee use their own accrued leave while their application for Paid Leave Oregon is pending?

Yes, employees may use their accrued leave in any amounts while their application for Paid Leave Oregon is pending.

49. Where in Workday can I see what FMLA/OFLA or Paid Leave Oregon benefit an employee has been approved for?

You can see Family and Medical Leave events by navigating to an employee's profile in Workday, then clicking Personal on the left-hand side, then clicking into the Additional Data tab along the top. Here is a link to a [tutorial](#) in Workday.

50. Can the employee submit the same documentation to the agency for FMLA/OFLA that they submitted to Paid Leave Oregon supporting the need for leave?

Yes, they may submit the same documentation. If more information is needed, the agency absence partner will notify the employee. The information requested by Paid Leave Oregon is similar to that requested on the Health Provider Certification form PD615A.

51. Does Paid Leave count as time worked for overtime purposes?

No, it does not. If accrued leave is used, that does count as time worked for overtime.

FRAUD

Unfortunately like any benefit program, Paid Leave Oregon is experiencing fraudulent claims, across all employers. Every claim goes through ID verification. Every time a claim is filed, the Employment Department will send a confirmation to the applicant and notify the employer.

52. What do we do if someone has filed a fraudulent claim under an employee's name?

Ask the employee to please notify Paid Leave Oregon. They can report the fraud to the Employment Department through [Report fraud \(oregon.gov\)](#). You can also use the Contact Us form at [Home - Paid Leave Oregon](#).

Additionally, Paid Leave Oregon also asks the agency to report the fraudulent claim (agency FMLA/OFLA Coordinators can do this).

[Frances Online for Claimants \(oregon.gov\)](#)
[Home - Paid Leave Oregon](#)

Respond accordingly to the notification from Paid Leave Oregon and prevent further processing of leave.

50. What can we expect the Employment Department to do when someone reports a fraudulent claim?

When the employee reports fraud, they can expect the Employment Department to gather their information to ensure fraud is detected and flagged. However, they shouldn't be surprised if the department is not able to share further information about how the fraud may have occurred. The Employment Department representatives also will not know where or how their identification information was stolen and won't share details because doing so may increase the threat and risk of fraud attempts.

51. Where can employees find more information on Fraud and Identity theft?

We all must be on the lookout for our potentially stolen identification information being bought, sold, and used fraudulently. The Employment Department adjusts fraud prevention and intervention in preparation and response, and you can too.

The Employment Department's website has additional information on Fraud and Identity Theft: [Protect Yourself from Fraud | OED Unemployment Insurance \(oregon.gov\)](#)

The Department of Justice's website also has additional information on Identity Theft: [Identity Theft - Oregon Department of Justice : Consumer Protection \(state.or.us\)](#)

52. Will HR ever place an employee on Paid Leave Oregon without telling the employee?

No, the employer cannot grant Paid Leave Oregon benefits. Only the Employment Department can grant or start Paid Leave benefits. If your agency does not have documentation from a doctor stating the employee cannot work, they will allow the employee to continue working. Separate from the Paid Leave Oregon approval for paid leave benefits, the agency HR requires documentation from a doctor stating the employee cannot work. Otherwise, the employer agency will allow the employee to continue working.

53. What will happen to an employee's available OFLA or FMLA balance if a fraudulent Paid Leave Oregon claim goes forward under their name?

Generally, the employee enters their request for FMLA/OFLA protection in Workday and another leave request for any accrued leave they wish to use. In some cases the manager or HR may need to submit the FMLA/OFLA request for the employee. If it is confirmed that it was a fraudulent claim, and no FMLA/OFLA should have been used, HR staff can help to rescind any requests and reinstate any FMLA/OFLA balances.