

## DAS CHRO FAQs for Executive Branch Managers Paid Leave Oregon

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.

### General Information

**1. 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/>

**2. 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/>

**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.

[PEBB](#)

Email: [pebb.benefits@odhsoha.oregon.gov](mailto:pebb.benefits@odhsoha.oregon.gov)

Call: 503-373-1102

[The Standard](#)

Call: 1-800-242-1888 (toll-free)

**4. What do I do if an employee is paying Paid Leave Oregon contributions and they do not think they should be?**

Please work with the employee and the HR Business Partner to make sure the employee has an accurate remote work agreement in Workday.

**5. What do I do if an employee tells me they should have received Paid Leave Oregon for an absence but did not?**

Please direct the employee to contact Paid Leave Oregon:

**Form:** [Contact Paid Leave](#)

**Email:** [paidleave@oregon.gov](mailto:paidleave@oregon.gov)

**Call:** 833-854-0166 (toll-free)

**6. Is there an amount of time an employee must work before they can take Paid Leave Oregon?**

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

**7. Will Paid Leave Oregon reach out to me with questions about my employee when the employee applies for benefits?**

Paid Leave Oregon may reach out to the Paid Leave Oregon administrator assigned by your agency for additional information.

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**8. What do I do when an employee tells me they have applied for Paid Leave Oregon?**

Managers must notify their HR Department/Absence Partners when an employee notifies you of a Paid Leave Oregon application. Notification of a Paid Leave Oregon application begins the FMLA/OFLA process.

**9. Why do my employees need to notify me that they're taking a sick day if it will be covered by Paid Leave Oregon?**

If they are eligible for job protections you will need to know. Also, if they are using Paid Leave Oregon they can use Leave Without Pay before exhausting all accrued leave. If they were not using Paid Leave Oregon, they would need to use their accrued leave as outlined in your collective bargaining agreement or policy.

**10. How much notice do employees need to provide?**

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.

**11. Do employees need to notify the agency if their need for Paid Leave Oregon changes after they have started to receive benefits?**

Yes, they must notify the agency of any changes in Paid Leave Oregon status.

**12. Can I require my employee to apply for Paid Leave Oregon when they are taking medical, family, or safe leave?**

No, you cannot require employees to apply for Paid Leave Oregon benefits.

**13. Does an employee have to call in each day if they are approved for Paid Leave Oregon?**

Employees are expected to follow their established call-in procedures.

**14. Can I tell my employee they have to take parental leave in a block of time while they are also receiving Paid Leave Oregon?**

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. Please work with your absence partner.

**15. 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.

**16. What if my employee only works in Oregon some of the time?**

Employees who have a set schedule (routine) for days worked both within and outside of Oregon will contribute to Paid Leave Oregon on all wages earned in and outside of Oregon. Learn more about remote work and out-of-state work on the [Paid Leave Place of Performance Fact Sheet](#).

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**17. How will Paid Leave Oregon know that my employee works remotely full time and is not eligible for contributions?**

Contributions will be deducted in compliance with Paid Leave Oregon rules and remote work agreements housed within Workday and Workday time tracking. See Workday [Knowledge Article](#) for information on submitting or updating Remote Work Agreements.

**18. 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.

**19. \*What if an employee works on a day they have been approved for Paid Leave Oregon benefits?**

If an employee works on a day they are approved to receive Paid Leave Oregon benefits, the employee will be inaccurately paid by Paid Leave Oregon. Paid Leave Oregon will work out the overpayment.

**20. \*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.

### Managing Employees and Paid Leave Oregon

**21. What is my role with Paid Leave Oregon as a manager?**

A manager's role is to notify their HR department/Absence Partners when they are notified by the employee they are applying/have applied for Paid Leave Oregon. This will begin the FMLA/OFLA process.

**22. How will I know when an employee is approved for Paid Leave Oregon?**

Paid Leave Oregon will notify the agency when an application has been approved or denied. If approved, managers will be notified by their Absence Partners.

**23. How will I know if an employee has reinstatement rights to their position after they return from Paid Leave Oregon leave?**

If the employee had 90 continuous calendar days of employment prior to taking Paid Leave Oregon, they have reinstatement rights. The state is considered one employer for this purpose. Managers will consult with their HR Department on application of the reinstatement rights.

**24. Does an employee have to tell me if their full-day absence is covered by Paid Leave Oregon?**

Yes, employees are expected to tell you if their full day absence is covered by Paid Leave Oregon and should notate this on their request for paid/unpaid time on that day (leave request).

**25. Will an employee receive Paid Leave Oregon for partial day absences?**

No, employees will not receive Paid Leave Oregon for partial day absences.

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### Paid Leave Oregon

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

You can see Family and Medical Leave events by navigating to your 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.

#### Use of Accrued Leave and Paid Leave Oregon

**27. Can I tell an employee they have to use all their accrued leave before applying for Paid Leave Oregon?**

No, the law prohibits an employer from requiring an employee to exhaust accrued leave prior to receiving Paid Leave Oregon benefits.

**28. Can I require an employee to use their accrued leave while receiving Paid Leave Oregon?**

No, the law prohibits an employer from requiring an employee to use their accrued leave on days they receive Paid Leave Oregon.

**29. May an employee "top off" their Paid Leave Oregon payments by using their own accrued leave time and/or donated leave?**

Yes, employees may use their accrued leave in any amounts on the dates they receive Paid Leave Oregon, up to the full amount of their normally scheduled hours.

**30. May an employee use their own accrued leave time and/or donated leave to receive more than 100% of their wages between the accrued leave and Paid Leave Oregon?**

Employees may use their accrued leave in any amount on the dates they receive Paid Leave Oregon, up to their full normally scheduled hours. Please note you cannot be paid more than your normal salary by the agency, however; when combined with Paid Leave Oregon benefits you may receive more than 100% of your normal wages.

**31. May an employee use their own accrued leave time and/or donated 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.

**32. If an employee chooses to "top off" their Paid Leave Oregon payments, who is responsible for determining the amount of accrued/donated leave they use each day to make them whole?**

The employee is responsible for determining the amount of accrued leave they would like to use on the dates they receive Paid Leave Oregon.

**33. Are employees required to use their accrued leave for partial day absences, when the reason is the Paid Leave Oregon qualifying reason?**

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Yes, employees are required to use their accrued leave for partial day absences as outlined in their collective bargaining agreement or the policy.

### **34. Is there a Paid Leave Oregon option on the leave request in Workday?**

No, there is not a Paid Leave Oregon option in Workday.

### **35. How do employees enter Paid Leave Oregon on their Timesheet?**

Employees record Paid Leave Oregon by entering comments in their leave request for paid or unpaid leave (accrued leave or leave without pay). Employees can view a [tutorial](#) on how to do this.

### **36. Are there tools available to help employees in determining the amount of accrued leave they need to use to get to the amount of their salary they want to be paid?**

Yes, a calculator is available on the CHRO Paid Leave Oregon website.

### **37. Who can I contact for questions about how employees should record their leave?**

Please reach out to your human resources department or absence partner for assistance.

### **38. Can I ask what type of leave my employee wants to use while on a continuous block of Paid Leave?**

Yes

## Other

### **39. Am I responsible for tracking how much Paid Leave Oregon an employee takes?**

No, managers are not responsible for tracking the amount of Paid Leave Oregon an employee receives.

### **40. Can I extend an employee's trial service if they use Paid Leave Oregon?**

Extension of trial service is outlined in the collective bargaining agreement or statewide policy.

### **41. Will an employee get their annual step increase while on Paid Leave Oregon?**

The receipt of Paid Leave Oregon does not affect an employee's seniority, eligibility for salary increases or the employee's recognized service date.

### **42. \*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

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### Paid Leave Oregon

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.

**43. \*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 and their absence partner (HR). They can report the fraud to the Employment Department through [Report fraud \(oregon.gov\)](#). They 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). The employee will need to be sure to notify their absence partner/HR so that they can respond accordingly to the notification that they receive and to assist in preventing the further processing of leave.

**44. \*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.

**45. \*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 \(state.or.us\)](#)

**46. \*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.

**47. \*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.

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