

DAS CHRO FAQs for Executive Branch Payroll Partners

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 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.

[PEBB](#)

Email: pebb.benefits@odhsoha.oregon.gov

Call: 503-373-1102

[The Standard](#)

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

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 a Payroll Partner?

A Payroll Partner's role with Paid Leave Oregon is to assist employees in the calculation of accrued leave the employee chooses to use and to maintain core insurance benefits, if applicable, while an employee is receiving Paid Leave Oregon.

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

If an employee tells you they have applied for Paid Leave Oregon, please forward that information to your agency's Absence Coordinator(s).

7. 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.

8. 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.

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- 9. 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.

Continuation of Core Insurance Benefits

- 10. What does it mean to maintain core insurance benefits for the employee?**

Maintaining core insurance benefits means the state continues to pay its portion of the medical and dental premiums and the employee pays their portion. This is the same process used for employees on leave without pay due to FMLA/OFLA or in an ACA stability period.

- 11. When must an agency maintain core insurance benefits for the employee?**

Paid Leave Oregon requires the agency to maintain core insurance benefits for the employee when the employee has had more than 90 continuous calendar days of employment prior to taking Paid Leave Oregon.

- 12. Is the state considered one employer for Paid Leave Oregon?**

Yes, for the purpose of maintaining core insurance benefits, the state is considered one employer.

Workday and Paid Leave Oregon

- 13. 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.

- 14. 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.

- 15. Where can Payroll Partners find out if an employee is receiving Paid Leave Oregon?**

Paid Leave Oregon information will be listed in the employee's Workday profile under Additional Data.

- 16. *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.

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

Yes, there is a Paid Leave Oregon reason when the employee submits their request for protected leave.

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18. *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.

19. *Will Paid Leave Oregon be 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.

20. *I don't see any available FMLA, OFLA, or Paid Leave hours in the bank of leaves. Why not?

The FMLA and OFLA banks of leave are no longer displayed because they are no longer used. Because of changes to the OFLA law we are unable to automatically display this information the way we used to. You can see some balance information on the Additional Data tab of the employee's Workday profile. You may also be able to run a report from their Time Off (Absence) worklet. Click into Protected Leave, then on the right-hand side there should be a list of reports under Requested and Remaining Hours.

Use of Accrued Leave and Paid Leave Oregon

19. Are employees required to use their accrued leave prior to applying for Paid Leave Oregon?

No, employees are not required to use their accrued leave prior to applying for Paid Leave Oregon.

20. Are employees required to use their accrued leave while receiving Paid Leave Oregon?

No, employees are not required to use their accrued leave while receiving Paid Leave Oregon.

21. Does Paid Leave Oregon cover partial day absences?

No, Paid Leave Oregon only covers full day absences.

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

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

23. *May an employee "top off" their Paid Leave Oregon payments by using their own accrued leave?

Yes, employees may use their accrued leave in any amounts on the dates they receive Paid Leave Oregon.

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

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.

25. *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.

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

No, the employee is responsible for determining the amount of accrued leave they would like to use on the dates they receive Paid Leave Oregon. Payroll or absence partners may be asked for assistance. There is a calculator available on the CHRO website.

27. 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.

28. *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.

29. *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.

30. *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.

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Other Information

29. Will employees receive pay for a holiday when they are receiving Paid Leave Oregon?

Yes, employees will receive pay for a holiday as outlined in their collective bargaining agreement or in policy.

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

Yes, details are still being determined however there will be a reconciliation as to the dates Paid Leave is taken and days that are worked.

31. 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 double paid. No notification from the Absence Partner is given to Paid Leave Oregon. Paid Leave Oregon recoup any overpayment.

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

Paid Leave Oregon benefits will be tracked by Paid Leave Oregon however the new Workday process for requesting leave does allow for some ability to track absence requests labeled as Paid Leave Oregon.

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

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

34. 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.

35. 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.

36. 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](#).

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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.

37. 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.

38. 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 \(state.or.us\)](#)

39. 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.

40. 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.