

 <b>Statewide Policy</b>	<b>NUMBER</b> 60-000-03	<b>SUPERSEDES</b> N/A
	<b>EFFECTIVE DATE</b> 07/01/2024	<b>PAGE NUMBER</b> Pages 1 of 3
	<b>REVIEWED DATE</b>	
<b>Division</b> <b>CHRO</b>	<b>REFERENCE</b> ORS 659A.090 through 659A.099; ORS 659A.150 through 659A.186; ORS 659A.306; ORS 243.798; OAR 839-009- 0200 through 839-009-0460; OAR 166-300-0010 through 166-300-0045; OAR 101-030-0005 through 101-030-0027	
<b>Policy Owner</b> Chief Human Resource Office		
<b>SUBJECT</b> Oregon Family Leave Act (OFLA)	<b>APPROVED SIGNATURE</b> <i>COO/Director's SIGNATURE</i> <b>ON FILE WITH THE CHIEF HUMAN RESOURCES OFFICE</b>	

**POLICY STATEMENT**

Oregon state government provides leave to employees according to the Oregon Family Leave Act (OFLA) and the Oregon Military Family Leave Act (OMFLA).

**AUTHORITY**

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; ORS 243.798; 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, where not in conflict with an applicable collective bargaining agreement.

**ATTACHMENTS**

- Required postings
- Health Care Provider Certification
- Additional policy leave attachments by leave type
  - A. Sick Child Leave
  - B. OFLA Military Family Leave
  - C. OFLA Bereavement Leave

**DEFINITIONS**

**Employee:** A person holding a full or part time permanent, limited duration, temporary, seasonal, or academic position in state service.

**Agency:** includes the appointing authority, the human resource staff, and individuals designated by the appointing authority to administer the agency’s Family and Medical leave program.

**Oregon Family and Medical Leave Act (OFLA):** Oregon state law that protects an employee’s absence from work under certain conditions.

**Leave Year:** 52 weeks beginning the Sunday immediately preceding the first day of leave.

**Oregon Military Family Leave Act:** state law that protects an employee's absence from work under certain circumstances; referred to as OMFLA Military Family Leave.

**Public Health Emergency:** a public health emergency declared under ORS 433.441 and an emergency declared under ORS 401.165 if related to a public health emergency as defined in ORS 433.442.

**Paid Leave Oregon:** an insurance program administered by the Oregon Employment Department that provides up to 14 weeks of pay for qualifying conditions and protects an eligible employee's absence from work.

Also refer to State HR Policy 10.000.01, Definitions

*NOTE: Subsequent sections of the policy include other definitions relevant to the OFLA leave type.*

## **POLICY**

- (1) An agency is required to notify an employee of their rights under OFLA when requested by the employee or when agency management learns that protected leave may be needed. State law prohibits retaliating against an employee with respect to hiring or any other term or condition of employment because the employee asked about, requested, or used any type of OFLA leave.
- (2) An eligible employee receives up to 12 weeks in a leave year of protected time off under OFLA for:
  - a. Sick Child leave:
    - i. To care for a child 17 years of age or younger or incapable of self-care because of a mental or physical disability:
      1. Who has a non-serious illness, injury or condition and requires home care.
      2. Whose school or childcare provider has been closed in conjunction with a statewide public health emergency declared by a public health official.
    - ii. To care for a child of any age with a serious health condition.
  - b. Bereavement leave: Up to two weeks per family member, for a maximum of four weeks total, in a one-year time period (to be taken within 60 days of notification of the death) to deal with the death of a family member by: attending the funeral or alternative to a funeral, making arrangements necessitated by the death, or grieving.
    - i. "Family member" means an individual related to an eligible employee by affinity or an individual who is an eligible employee's:
      - (a) Spouse or domestic partner;
      - (b) Child or the child's spouse or domestic partner;
      - (c) Parent or the parent's spouse or domestic partner;
      - (d) Sibling or stepsibling or the sibling's or stepsibling's spouse or domestic partner;
      - (e) Grandparent or the grandparent's spouse or domestic partner; or
      - (f) Grandchild or the grandchild's spouse or domestic partner.

- c. Military Family leave: An eligible employee receives up to 14 working days per deployment related to the deployment of an employee's spouse or domestic partner.
- d. Pregnancy disability leave: An eligible employee receives up to 12 weeks in a leave year of protected time off under OFLA for pregnancy-related disability.
- e. Placement leave: An eligible employee receives up to two weeks in a leave year of protected time off under OFLA to effectuate the legal process required for placement of a foster child or adoption of a child between July 1, 2024, and December 31, 2024.

(3) Medical Verification

- a. An agency may not require an employee to provide medical verification for child placement or bereavement leave.
- b. Medical verification for Sick Child Leave may be requested after the employee has taken all or any part of three separate days during a leave year for purposes other than to care for a child who requires home care due to the closure of a child's school or child care provider as the result of a public health emergency.