

SUBJECT: Paid Leave Oregon	NUMBER: 60.000.04
DIVISION: Chief Human Resources Office	EFFECTIVE DATE: 01/01/2024

APPROVED: Signature on file with the Chief Human Resources Office

POLICY STATEMENT: Oregon state government shall comply with provisions of the Paid Family and Medical Leave Insurance Act (Paid Leave Oregon) administered by the Oregon Employment Department.

AUTHORITY: ORS 657B.010 through ORS 657B.040; ORS 657B.060 through ORS 657B.080; ORS 657B.120; and ORS 657B.440; OAR 471-070-0001 through 471-070-8540

APPLICABILITY: All employees, when not in conflict with collective bargaining agreements, including temporary employees

ATTACHMENTS: Paid Leave Oregon Model Notice

DEFINITIONS: Also refer to State HR Policy 10.000.01, Definitions

POLICY:

Paid Leave Oregon is administered by the Oregon Employment Department. The State of Oregon, as an employer, shall comply with the provisions of Paid Leave Oregon.

- (1) Each state agency director or authorized designee administers State HR Policy 60.000.04 as the agency's policy. Compliance with the Paid Family and Medical Leave Insurance Act, known as Paid Leave Oregon, is mandatory.
- (2) All agencies, regardless of the number of employees, will pay the employer contributions to the Paid Leave Oregon insurance fund.
- (3) Employees will pay the employee contributions to the Paid Leave Oregon insurance fund through a payroll deduction.

- (4) Required posting: Agencies shall post the model notice poster in an accessible location at each worksite.
 - (a) The model notice must be sent electronically to remote workers upon the start of any remote work.
 - (b) The model notice poster must be sent to remote workers when updated or changed.
- (5) Employee notification requirement: 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.
 - (a) 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.
 - (b) Failure to notify the agency timely may result in a reduced Paid Leave Oregon benefit payment.
 - (c) Employees are generally expected to follow agency call-in procedures.
- (6) Paid Leave Oregon will notify the agency of the number of days for which leave is approved.
- (7) Employees will notify the agency immediately of any change in Paid Leave Oregon status.
- (8) Subject to approval by Paid Leave Oregon, an employee may take up to 12 weeks of Paid Leave within a Paid Leave Oregon benefit year.
 - (a) An employee may receive an additional two weeks of Paid Leave for pregnancy-related conditions.
- (9) An employee may not use more than 16 weeks (18 for pregnancy disability) of leave in any combination of Paid Leave and OFLA during a Paid Leave Oregon benefit year. Paid Leave Oregon can only be taken in full day increments.
- (10) Paid Leave Oregon will run concurrently with FMLA and OFLA, when applicable.
- (11) Employees may choose to use sick, vacation, personal business, compensatory time or straight time leave in any increment, up to their normally scheduled hours, while receiving Paid Leave Oregon.
- (12) Employees are not eligible to use donated leave on days Paid Leave Oregon benefits are received.
- (13) Employees receiving Paid Leave Oregon who do not have 90 calendar days or more of state service and whose absences are not protected by FMLA and/or OFLA are not eligible for the job protection and continued core insurance coverage provided by Paid Leave as outlined in sections 13 through 16 of this policy.

- (14) Reinstatement rights: An agency restores an employee who returns from taking Paid Leave Oregon to the position of employment held by the employee when the leave began, regardless if it has been renamed or reclassified. If the position no longer exists, an agency must return the employee to a vacant or not permanently filled equivalent position within 50 miles of their workplace with equivalent pay, benefits and other terms and conditions of employment.
- (a) The following exceptions apply:
- i. If an agency eliminates the employee's position through layoff, the agency treats the employee as if the employee had not taken Paid Leave Oregon, in the same manner as similarly situated employees, according to the agency's policy or applicable collective bargaining agreement.
 - ii. An agency restores an unclassified, temporary or limited duration employee to the extent the employee's placement, appointment or position still exists.
 - iii. If an employee does not return from leave or is unable to perform an essential function of the position the employee held prior to the commencement of Paid Leave Oregon, with or without reasonable accommodation, the employer must follow applicable law, rule, policy or collective bargaining agreement to determine appropriate action, which may, in some cases, include termination.
- (15) Core PEBB insurance: During months when an employee receives Paid Leave Oregon, the agency continues the employee's enrolled core benefits (medical, dental, and vision and basic employee-only life insurance).
- (a) The agency pays its share of the core benefits.
- (a) The employee must pay their share of the premium payment and any surcharges related to their core benefits.
- i. An employee may submit monthly payments to the agency for the employee portion of core benefits. A family member may arrange to submit monthly payments if the employee is incapacitated.
 - ii. An employee may choose to have the employee portion of core benefit premiums paid by the agency on their behalf during months an employee uses Paid Leave Oregon. Payments made by the agency are recoverable upon the first available paycheck(s) after the employee returns to work, not to exceed 10% of their gross pay of each pay period.
- (b) An employee may be required to reimburse an agency for the employee's portion if the employee fails to return to work, unless the reason for the employee's failure to return is a continuation, recurrence, or onset of a serious health condition of the employee or employee's family member, a continuation, recurrence, or onset of a serious illness or injury of a covered service member or other circumstances beyond the employee's control.

- (16) Optional PEBB insurances: If an employee works an insufficient number of hours in a month to cover their optional insurances receiving Paid Leave Oregon or is in leave without pay status, the employee must pay premiums for the optional PEBB insurances that may be continued.
 - (a) An employee may submit monthly payments to the agency for the continued optional insurance benefits.

- (17) PEBB Insurances after exhaustion of Paid Leave Oregon: (a) When an employee's Paid Leave Oregon end, all PEBB insurance coverage terminates when the employee, who is not in a current Affordable Care Act (ACA) Stability Period or protected by FMLA/OFLA, does not work enough hours in the month, uses insufficient paid leave, or fails to make a premium payment. Should the employee wish insurance to continue, they may self-pay some insurance premiums under COBRA. The employee receives information about self-paying insurance through a third-party administrator.
 - (a) Refer to the "Public Employees' Benefit Board FMLA-OFLA Benefit Matrix" for the effect on an employee's insurance when returning from leave.

- (18) Effect on seniority, salary increases and recognized service date: The receipt of Paid Leave Oregon does not affect an employee's seniority, eligibility for salary increases or the employee's recognized service date. The agency treats the approval of Paid Leave Oregon as if the employee is not on leave, up to the point where the employee's Paid Leave Benefits exhausts. Unpaid leave may affect an employee's PERS retirement benefits.

- (19) Paid Leave Oregon does not count as hours worked for accrued leave or overtime purposes, toward FMLA/OFLA eligibility or entitlements.