

## **Paid Leave Oregon – Batch 9 – Appeals, Assistance Grants, Benefits, Confidentiality, Equivalent Plans, and Self-employment**

Paid Leave is currently working on 16 administrative rules regarding the topics listed above, with brief individual rule summaries added to the end of this document.

You are receiving this email notification because you have requested to be informed about Paid Leave Oregon rulemaking activities.

### **Website notice information**

We filed a [Notice of Proposed Rulemaking](#) including the Statement of Need and Fiscal Impact with the Secretary of State's Office, published in the Oregon Bulletin on November 1, 2023. A summary of the proposed administrative rule adoptions and amendments are in the table at the end of this notice.

### **Public Meetings**

We invite you to participate in the rulemaking public hearings in November on the 16 proposed administrative rules. There will be two opportunities to provide verbal feedback. You are welcome to attend each hearing, however you only need to attend one if you would like to submit your comments virtually at the hearing. Each hearing will contain the same information from the Paid Leave Oregon program.

- [Thursday, November 16, 2023, starts at 1 p.m.](#)
- [Monday, November 20, 2023, starts at 4 p.m.](#)

To register, please click on the hearing link above. If you need to participate by phone, Zoom will provide you with the conference line number after you register.

If you need an accommodation, including language translation, please email [paidleave@oregon.gov](mailto:paidleave@oregon.gov) **no later than three business days before** the public hearing with your accommodation request.

### **How to submit public comment**

If you cannot attend the public hearings virtually and still want to provide comments on the proposed Paid Leave Oregon rules, written comments may be submitted by email to [Rules@employ.oregon.gov](mailto:Rules@employ.oregon.gov) no later than **Thursday, November 30, 2023, at 11:59 p.m. PST.**

## Questions

We understand the rulemaking process may be complex or confusing. We are here to help! Please contact us if:

- You need help understanding the process;
- You don't understand what the proposed rules are saying;
- You can't attend a meeting and still want to provide feedback; or
- You need accommodations to participate in the meeting.

The proposed administrative rules are available on our website in a compilation. You can contact Paid Leave Oregon at [paidleave@oregon.gov](mailto:paidleave@oregon.gov), or you can contact our rules coordinator at [Rules@employ.oregon.gov](mailto:Rules@employ.oregon.gov), and we will do our best to help. We are happy to answer any questions.

## Stay informed

Visit our [website](#), and sign up to receive [Paid Leave Oregon updates](#).

If you no longer want to receive email notices about the Employment Department's rulemaking activities, you may [unsubscribe](#) from our mailing list.

## [Summary of Adopted and Amended Temporary Administrative Rules](#)

<b>Action Taken &amp; Rule Number</b>	<b>Rule Title and Summary</b>
<b>Appeals, Assistance Grants, Benefits, Equivalent Plans &amp; Self Employed</b>	
<b>Amending: 471-070-1000</b>	<b>Benefits: Definitions</b> – The administrative rule is amended to add a definition for “affinity” that outlines the characteristics of a family relationship to determine whether an affinity relationship exists. Adds a definition for “bias crime.” Adds a definition for “claimant designated representative.” Adds a definition to clarify the “first year” after the child’s birth, foster placement, or adoption for use with family leave determinations as the day before the one-

	<p>year anniversary. Clarifies the definition of “health care provider” as someone other than the claimant or the person for whom the claimant is providing care. This rule was temporarily amended; these changes are being made to amend the rule permanently.</p>
<b>471-070-1130</b>	<b>Benefits: Verification of Safe Leave</b> – The administrative rule is amended to implement changes from HB 3443 (2023 legislation) relating to verification needed for safe leave purposes due to bias crimes.
<b>471-070-1330</b>	<b>Benefits: Job Protection</b> – The administrative rule is amended to implement changes from SB 999 (2023 legislation) regarding restoring an employee’s position within a 50 mile radius of the employee’s former job site and allowing an employer to deduct the employee’s cost of health or other insurance premiums paid by the employer while the employee is on Paid Leave from future paychecks. This rule was temporarily amended; these changes are being made to amend the rule permanently.
<b>471-070-2030</b>	<b>Self-employed: Income, Contribution, Payments, and Reporting Requirements</b> – The administrative rule is amended to clarify that reported taxable income from self-employed individuals who have elected coverage will be prorated for the purposes of contributions and benefits. This rule was temporarily amended; these changes are being made to amend the rule permanently.
<b>471-070-2200</b>	<b>Equivalent Plans: Definitions</b> – This administrative rule defines reporting period to align with the changes made to OAR 471-070-2230 regarding equivalent plan reporting requirements.
<b>471-070-2230</b>	<b>Equivalent Plans: Reporting Requirements</b> – This administrative rule clarifies equivalent plan reporting due dates and creates consistency by removing language allowing reports to be filed with annual equivalent plan reapplications. It also clarifies that equivalent plan reports are due for a reporting period.
<b>471-070-2400</b>	<b>Equivalent Plans: Disputes between an Equivalent Plan Employer and Employee, Request for Hearing</b> – The administrative rule is amended to implement changes from

	SB 913 (2023 Legislation) providing the added option for equivalent plan employers or employees to request an administrative hearing when either party is not satisfied with the resolution proposed by Paid Leave Oregon.
<b>471-070-8010</b>	<b>Appeals: Assignment to Office of Administrative Hearings</b> – The administrative rule is amended to implement changes from SB 913 (2023 Legislation) and align with changes to OAR 471-070-8070, which allows Paid Leave Oregon discretion to dismiss hearing requests in certain situations.
<b>471-070-8070</b>	<b>Appeals: Dismissals of Requests for Hearing</b> – The administrative rule is amended to implement changes from SB 913 (2023 Legislation) and allows Paid Leave Oregon, at the director’s discretion, to dismiss hearing requests in certain situations.
<b>Adopting:</b>	
<b>471-070-0001</b>	<b>Purpose</b> – The administrative rule outlines the purpose of chapter 471, division 70 administrative rules. This rule was temporarily adopted; it is now being made permanent.
<b>471-070-1250</b>	<b>Benefits: Claimant Designated Representative</b> – The administrative rule describes what is needed for a claimant to authorize a claimant designated representative. The rule also describes who can be a claimant designated representative and what they can provide to and receive from Paid Leave Oregon. This rule was temporarily adopted; it is now being made permanent.
<b>471-070-3790</b>	<b>Assistance Grants: Successor in Interest Rights and Responsibilities</b> – The administrative rule clarifies the treatment of assistance grants for full and partial successors in interest when a business with a grant history transfers ownership. This rule was temporarily adopted; it is now being made permanent.
<b>Confidentiality</b>	
<b>Adopting:</b>	
<b>471-070-0900</b>	<b>Confidentiality: Definitions</b> – The administrative rule defines the “customer information” and “need to know.”

	This rule was temporarily adopted; it is now being made permanent
<b>471-070-0910</b>	<b>Confidentiality: Information Collection</b> – The administrative rule clarifies that information is only collected for the purpose of administering the program, and outlines that Social Security Numbers and Individual Taxpayer Identification Numbers are only collected for verifying wages, reporting taxes, repaying debts, and collecting contributions. This rule was temporarily adopted; it is now being made permanent.
<b>471-070-0920</b>	<b>Confidentiality: Responsibility of Paid Family and Medical Leave Insurance Staff</b> – The administrative rule clarifies that Paid Leave Oregon staff must safeguard information the program collects. The administrative rule clarifies that the information must be accessed only on a need to know basis and provides for the program to charge a reimbursement fee for the cost of providing records. This rule was temporarily adopted; it is now being made permanent.
<b>471-070-0930</b>	<b>Confidentiality: Permissible Disclosures</b> – The administrative rule clarifies the director’s discretion to disclose information, such as to the claimant, the claimant designated representative, the Office of Administrative Hearings as needed for administrative hearings, and the employer or employer’s representative for contributions information. Benefit information will not be provided to the employer without authorization by the employee. This rule was temporarily adopted; it is now being made permanent.