State of Oregon
Employment Department
Paid Family and Medical Leave Insurance

Oregon Paid Family and Medical Leave
Frequently Asked Questions

What is Paid Family and Medical Leave Insurance (PFMLI)?

It allows an eligible employee to take time away from work to:

- bond with a child during the first year after birth, adoption, or foster care placement.
- care for a family member who has a serious health condition.
- take medical leave for an employee's own serious health condition.
- take safe leave for an employee experiencing issues related to domestic violence, harassment, sexual assault, or stalking.

The medical conditions covered are similar to what is covered by the Oregon Family Leave Act (OFLA), but there are some differences.

Who is covered?

Employees who earned $1,000 or more in the year prior to claiming their benefit are eligible. Independent contractors, employees of tribal governments, and federal government employees are not covered. People who are self-employed and tribal governments may opt into the program.

What are the benefits?

Eligible employees will receive a weekly benefit payment. The amount of the benefit payment will depend on the employee's average weekly wage, and can be up to 100 percent of their wage.

How much time can be taken?

Eligible employees may take up to 12 weeks in a benefit year to care for themselves or a family member, and up to two additional weeks for pregnancy, childbirth, or related circumstances. In rare situations, up to 18 weeks may be taken in a benefit year, though four of those weeks may be unpaid.

How is PFMLI funded?

Through a payroll based contribution, of no more than one percent, shared by employers and employees.

- The contribution rate will be set annually by the Employment Department, and will be determined once program costs are estimated.
- Employees will contribute 60 percent and employers will contribute 40 percent of the required contribution. The employee's portion is withheld from their pay, similar to income tax withholding. Employers have the option to pay some or all of their employees' portion as a benefit.

How does Paid Family and Medical Leave Insurance work with other leave?

Family and medical leave runs concurrently with Oregon Family Leave Act (OFLA) and Family Medical Leave Act (FMLA) leave.

- PFMLI is separate from vacation, most paid sick leave, and other paid leave.
- Employers may allow concurrent use of other paid leave for benefits to equal 100 percent of an employee's normal wages.
- Employees may not receive PFMLI benefits while receiving workers compensation or Unemployment Insurance benefits.

Is my job protected while I take leave?

After taking family or medical leave, an employee has the right to return to their prior job, similar to OFLA protections.

- The employee must have worked for their employer for 90 days to have these rights.
- Employers with fewer than 25 employees do have more flexibility with reinstatement if the employee's position no longer exists.
- The employee will not lose seniority or other benefits such as pension while on leave. Healthcare benefits, if provided, must continue while on leave.

Paid Family and Medical Leave Insurance Statutory Timeline

2019 | 2020 | 2021 | 2022 | 2023

- September 29 **By law, PFMLI takes effect**
- September 1 **Rules will be established**
- January 1 **Contributions will be collected**
- January 1 **Benefits will be payable**

When do payroll contributions begin?
Family and medical leave contributions are currently expected to begin January 1, 2022.

When can I start receiving benefits?
Family and medical leave benefits are currently expected to begin January 1, 2023, one year after payroll contributions begin.

What if I am self-employed or a tribal government?
Tribal governments and those who are self-employed are not required to participate in the PFMLI program. You may choose to opt into the program, though. More information about how to opt in will come later in the program's development.

What if I'm a small employer with fewer than 25 employees?
Employers with fewer than 25 employees are not required to pay the 40 percent employer contribution. However, if an employer does pay the 40 percent employer contribution, they are eligible to receive assistance grants.

Each calendar year, if an employee takes family and medical leave, a small employer who pays their share of contributions may apply for one grant per employee, up to a maximum of 10 grants per year. These grants cover:

- up to $3,000 towards the cost of hiring temporary workers to replace employees on leave.
- up to $1,000 to reimburse for significant additional wage-related costs incurred while an employee is on leave.

As an employer, what if we offer an equivalent family and medical leave program?
Employers are required to participate unless the employer has an approved equivalent plan. If it has such a plan, they and their employees will not pay into, nor receive benefits from the State's program, but instead get benefits from the employers plan.

- Equivalent plans must be approved by the Employment Department.
- Employers are permitted, but not required, to deduct from employees' pay money to fund their equivalent program. The amount cannot exceed what employees would pay into the State's family and medical leave program and must be used only for plan expenses.
- Employers must apply for re-approval annually for three years after initial approval, or if the plan changes.
- Upon review by the State, if an employer does not provide family and medical leave plan benefits that are at least equal to those under the State's plan, the State may terminate approval of their plan.

When will the State know more about the implementation of the Paid Family and Medical Leave Insurance program?
Initiation and implementation planning has begun. More details will be clear over the coming months and these FAQs will be updated periodically. Check our web page at: ***www.Oregon.gov/Employ/PMFLI***

State of Oregon
Employment Department
Paid Family and Medical Leave Insurance