

HB 2474 -2 STAFF MEASURE SUMMARY

House Committee On Early Childhood

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Sub-Referral To: House Committee On Business and Labor

Meeting Dates: 3/15, 3/22, 4/5

WHAT THE MEASURE DOES:

Modifies Oregon Family Leave Act (OFLA) and Oregon Military Family Leave Act (OMFLA). Modifies definitions of family member. Expands applicability of OMFLA to employers with one or more employees. Expands applicability of OFLA to employers with one or more employees. Allows eligibility for employees after 30 days and regardless of part-time status. Modifies eligibility requirements to be equal regardless of reason for taking leave. Allows leave to care for child when school or child care provider is closed by order of public official for public health emergency. Removes sanction if employee did not provide required notice. Allows employee to determine the order in which to use accrued leave.

ISSUES DISCUSSED:

- Needs of families
- Needs of employers and employees
- Child care closures

EFFECT OF AMENDMENT:

-2 Replaces measure. Modifies the Oregon Family Leave Act (OFLA). Establishes eligibility for protected leave under Oregon Family Leave Act for all employees of a covered employer during public health emergency unless employed fewer than 30 days. Establishes eligibility for employees if they separate, are eligible, and are reemployed within 180 days or because of a temporary cessation of scheduled hours. Removes gendered language from provisions relating to pregnancy. Allows employers to request verification of child care need.

BACKGROUND:

The Oregon Family Leave Act requires companies that have 25 or more employees to provide eligible employees up to 12 weeks of unpaid leave per year for specified purposes. Allowable purposes for leave under OFLA include all those covered by the federal Family and Medical Leave Act, except for those relating to military status, which are covered by a different Oregon statute. In addition, OFLA allows family leave to care for a child with an illness, injury, or condition that is not serious but requires home care, and up to two weeks for bereavement leave. An eligible employee who takes 12 weeks of family leave is also entitled to take another 12 weeks of leave for a disability related to pregnancy or childbirth. Employees who take 12 weeks of parental leave may also take an additional 12 weeks of sick child leave. Employees must be allowed to use any accrued paid leave time for OFLA leave; employers may determine the order in which the accrued paid leave is to be used. Like under FMLA, employer-provided group health insurance may not be discontinued while on OFLA leave, an employee returning from OFLA leave must be restored to the employee's previously held position or to an equivalent job if the former position no longer exists, and an employer may not retaliate against an employee for inquiring about or taking OFLA leave. To be eligible for OFLA parental leave, an employee must have worked for an employer for at least 180 days. For all other OFLA leave benefits, an employee must have worked at least 180 days and at least an average of 25 hours a week during the 180 days before leave begins. Employees may allege a violation of OFLA by filing a complaint with the Bureau of Labor and Industries or filing a civil action.