**SB 1515 STAFF MEASURE SUMMARY** **Carrier:** Sen. Taylor

**Senate Committee On Labor and Business**

| | |
|---|---|
| **Action Date:** | 02/03/22 |
| **Action:** | Do pass. |
| **Vote:** | 5-0-0-0 |
| **Yeas:** | 5 - Hansell, Jama, Knopp, Lieber, Taylor |
| **Fiscal:** | No fiscal impact |
| **Revenue:** | No revenue impact |
| **Prepared By:** | Wenzel Cummings, LPRO Analyst |
| **Meeting Dates:** | 2/3 |

**WHAT THE MEASURE DOES:**

Defines "benefit year" for purposes of paid family medical leave insurance as a period of 52 consecutive weeks beginning on the Sunday immediately preceding the date on which family, medical, or safe leave commences. Authorizes use of 53-week benefit year if necessary to avoid overlap with any quarter of the base year for a previously filed valid claim. Removes the requirement that the Oregon Employment Department (OED) define benefit year and establish alternatives for employers.

**ISSUES DISCUSSED:**

- Current law requires that definition of benefit year has options: calendar year and noncalendar year basis
- Need for consistency in definition of benefit year to apply to all employers
- Potential confusion for employers related to how Oregon Family Leave Act and Paid Family and Medical Leave Act will work together

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

The Oregon Family Leave Act (OFLA) provides employees with 12 weeks of time off per year for qualifying family leave, which includes parental, serious health condition, pregnancy disability, sick child, military family, and bereavement leave. Additional leave may be taken for specified purposes. The leave protected by OFLA is unpaid unless the employee uses vacation, sick, or other forms of paid leave available to the employee.

In 2019, the Legislative Assembly passed House Bill 2005, establishing the Paid Family and Medical Leave Insurance (PFMLI) program. Under the program, an employee may receive wage replacement benefits for qualifying family, medical, or safe leave for a maximum of 12 weeks per benefit year. The law defines a "benefit year" to be a 12-month period determined by rule by the Director of the Employment Department. The Director must establish alternatives by which an employer may determine a benefit year period, including on a calendar year or noncalendar year basis.

Paid leave under PFMLI must be taken concurrently with unpaid leave taken under OFLA. Under OFLA, an employer may choose the benefit year. If an employee has multiple employers, each employer may have chosen a different benefit year. Additionally, benefits for unpaid leave under OFLA may extend beyond the 12-week maximum for paid benefits under PFMLI.

Senate Bill 1515 defines "benefit year" for purposes of the PFMLI to mean a period of 52 consecutive weeks beginning the Sunday before leave commences, or 53 weeks if necessary to avoid overlap with any quarter of the base year of a previously filed valid claim. The measure removes the requirement that the Director of the Employment Department determine the 12-month benefit year and establishes alternatives by which an employer may determine a benefit year period.