

**SB 999 B STAFF MEASURE SUMMARY**

Carrier: Rep. Sosa

**House Committee On Business and Labor****Action Date:** 05/17/23**Action:** Do Pass the B-Eng bill.**Vote:** 7-3-1-0**Yeas:** 7 - Elmer, Grayber, Holvey, Nelson, Nosse, Owens, Sosa**Nays:** 3 - Boshart Davis, Osborne, Scharf**Exc:** 1 - Hudson**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Erin Seiler, LPRO Analyst**Meeting Dates:** 5/10, 5/17**WHAT THE MEASURE DOES:**

Defines "one-year period" for purposes of determining amount of family leave an eligible employee may take within a one-year period under the Oregon Family Leave Act (OFLA). Modifies definition of "one-year period" under OFLA and specifies an operative date of July 1, 2024. Requires consideration of whether there is significant personal bond resembling family relationship for purposes of determining whether person qualifies as family member by reason of affinity under OFLA and Paid Leave Oregon. Redefines "family member" within OFLA. Requires employer to offer employee, who has returned from OFLA leave or leave under Paid Leave Oregon and whose employment position no longer exists, an equivalent position at a job site located within 50 miles of original job site. Specifies that leave taken under OFLA must be taken concurrently with federal Family and Medical Leave Act (FMLA) and Oregon Paid Leave, if OFLA leave qualifies as protected under FMLA or qualifies as leave under Paid Leave Oregon. Requires employee to continue to make any regular contributions to health insurance premiums cost when on leave under Paid Leave Oregon. Permits employer to deduct money from employee's pay when employee has returned from paid leave when employer advanced certain payments while employee was on leave. Provides exception to civil action or complaint process for violations of Paid Leave Oregon program by employer when a remedy to the violation is provided through the Oregon Employment Department appeals process. Specifies operative dates for certain sections. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Alignment between Oregon Family Leave Act (OFLA) and Paid Leave Oregon program
- Ensuring that OFLA and Paid Leave Oregon leave run concurrently when applicable
- Rulemaking by Bureau of Labor and Industries (BOLI) and Paid Leave Oregon to establish consistent definition of family member by reason of affinity
- Consistency in job protections
- Ability of employer to recoup paid costs of benefits
- Paid Leave Oregon applicable to emergency responders
- Future alignment issues

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

The family and medical leave insurance program, known as Paid Leave Oregon, is contained in ORS chapter 657B and was enacted by the Legislative Assembly in 2019. Paid Leave Oregon allows Oregon employees to take paid time off for specified family, medical, or safety-related leave, such as family leave to care for a family member with a serious illness or family leave to care for a child following birth. Paid Leave Oregon required employees and

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employers with 25 or more employees to begin making contributions into the program on January 1, 2023. Employees can begin applying for benefits under Paid Leave Oregon on September 3, 2023. Employers can opt to offer employees their own equivalent plan to Paid Leave Oregon, which must be approved by the Oregon Employment Department. Self-employed persons and independent contractors can elect to participate in Paid Leave Oregon.

The Oregon Family Leave Act (OFLA) applies to employers with 25 or more employees. OFLA permits employees to take up to 12 weeks of leave per year for qualifying reasons, such as sick child leave or serious health condition leave. Generally, leave taken under OFLA is unpaid unless an employee uses their vacation, sick, or other paid leave.

Senate Bill 999 B makes several modifications to Paid Leave Oregon and OFLA, including requiring employers to offer an employee who returns from leave and whose employment no longer exists an equivalent position at a job site located within 50 miles of the original job site and requiring consideration of whether there is a significant personal bond resembling a family relationship to determine whether a person qualifies as a family member by reason of affinity.