



Oregon moms and caregivers fighting for gender, economic, and racial justice.

To: House Committee on Business & Labor
From: Family Forward Oregon
Date: May 10, 2023
RE: In Support of SB 999B

Chair Holvey, Vice-Chairs Elmer & Sosa, Members of the Committee:

On behalf of Family Forward Oregon, a statewide advocacy organization working to pass policies that support care and caregiving, thank you for the opportunity to provide testimony in support of Senate Bill 999B. This bill comes to the committee after months of discussion and work between labor and business advocates and a bipartisan vote on the Senate floor, and will provide greater alignment between Paid Leave Oregon and the Oregon Family Leave Act.

As a reminder, OFLA is our state's job-protected, unpaid family and medical leave law. PFML, or what is now known as Paid Leave Oregon, is job-protected *and* paid family, medical, and safe leave. You may ask yourself, "If we have PFML now, why do we need OFLA?". One key reason is because there are some buckets of leave in OFLA (like bereavement leave) that do not currently exist in PFML. While it is certainly the goal of Family Forward to see those buckets of leave included in Paid Leave Oregon eventually, we need time for the program to launch and collect data in order to determine the financial feasibility to the fund before making such a move.

Sections 1-6 of the bill, amends OFLA in the following ways:

- Section 2 aligns the definition of "benefit year" in OFLA with the current definition in Paid Leave Oregon which has a rolling benefit year of 52 consecutive weeks beginning on the Sunday immediately preceding the date on which family leave commences. Currently, employers have a menu of "benefit year" definitions to choose from in OFLA. However, in order for concurrence to happen between buckets of leave that exist in both programs, OFLA and PFML must be running in the same time period. This is also important for employees with more than one employer subject to both policies to create consistency and clarity across employers on when an employee's benefit year begins and ends.
- Sections 3 and 4 change the family definition in OFLA to mirror that of the more inclusive "blood and affinity" definition in PFML. Additionally, Section 3 instructs BOLI to further clarify in rule the various factors, when examined in total, that

resemble a family relationship. The Employment Department is directed to do the same in Section 8 of the bill in PFML rules, with the ultimate goal of identical rules on this topic in both OFLA and PFML.

- Section 5 amends job protections in OFLA. As you all know, an employee returning from OFLA leave is entitled to be returned to their position if it still exists or an equivalent position at their original job site or within 20 miles of the employees original job site, if one exists. The bill amends this requirement to 50 miles, and if equivalent positions are available at multiple job sites, the employer shall first offer the employee the position at the job site that is nearest to the job site of the employee's former position.
- Section 6 adds concurrency language that already exists in PFML to OFLA. When originally passing PFML in 2019, it was always the intent for buckets of leave that exist in both OFLA and PFML to run concurrently. This intent was included in the PFML statutes, and now needs to be reflected in the OFLA statutes to avoid stacking of leave buckets between the two programs outside of the original intent of the PFML bill. All current buckets of OFLA leave will remain, but with concurrent "clocks" for buckets of leave that exist in both programs.


Sections 7-9 amends PFML in the following ways:

- Section 8 mirrors language in Section 3, directing the Employment Department to further clarify in rule what constitutes a "family like relationship" in the current family definition in PFML. Again, with the ultimate goal of identical rules on this topic in both OFLA and PFML.
- Finally, Section 9 will add the 50-mile job proximity protection language to PFML that is added to OFLA in Section 5 of the bill, creating consistent language in both programs. Additionally, this section provides clarifying language that an employer is allowed to recoup unpaid employee contributions of things like medical benefits while the employee was on leave. However, employers will not be able to recoup more than 10% of an employee's gross wages toward repayment during any one pay period. This language already exists in OFLA, SB 999B simply adds this same language to PFML.

While we believe that many more in-depth conversations are necessary in order to achieve true alignment for both programs, SB 999B does reach alignment in some key areas that result in more consistent and clear programs for both workers and employers.



Oregon continues to be a leader on paid family and medical leave across the nation, passing a policy in 2019 supported by workers and business leaders alike and earning bipartisan, bicameral support. With this bill, we can continue to demonstrate that a paid leave program that works for both workers and employers can exist. Thank you again for the opportunity to speak today, Family Forward urges your support for SB 999B.

A handwritten signature in black ink, appearing to read "Courtney Veronneau". The signature is fluid and cursive, with a large initial "C" and a long, sweeping tail.

Courtney Veronneau
Senior Political Director
Family Forward Oregon

