

SB 1515 A STAFF MEASURE SUMMARY

Carrier: Sen. Taylor, Sen. Bonham

Senate Committee On Labor and Business**Action Date:** 02/07/24**Action:** Do pass with amendments and requesting subsequent referral to Ways and Means be rescinded. (Printed A-Eng.)**Vote:** 5-0-0-0**Yeas:** 5 - Bonham, Hansell, Jama, Patterson, Taylor**Fiscal:** Has minimal fiscal impact**Revenue:** Has minimal revenue impact**Prepared By:** Whitney Perez, LPRO Analyst**Meeting Dates:** 2/5, 2/7**WHAT THE MEASURE DOES:**

The measure makes several technical fixes to Paid Leave Oregon. The measure also addresses administration and reporting of Paid Leave Oregon, the Oregon Family Leave Act (OFLA), and other protected leave provisions. The measure works to establish concurrency and alignment of OFLA and Paid Leave Oregon. The measure creates a two-week temporary leave type within OFLA for leave needed to effectuate the legal process required for placement of a foster child or adoption of a child. Finally, the measure declares an emergency effective on passage.

Detailed Summary:

- **Administration and Reporting for Oregon Employment Department and Bureau of Labor and Industries (Section 1)**
 - Requires the Director of the Oregon Employment Department (OED) to report to the interim committee of the Legislative Assembly related to labor and business by September 15, 2024, on the payment of Paid Leave Oregon benefits to seasonal employees and persons employed through hiring halls, and on consideration of implementing programmatic changes to the Paid Leave Oregon program.
 - Requires OED and the Bureau of Labor and Industries (BOLI) to jointly report to the interim committee of the Legislative Assembly related to labor and business by September 15, 2024, on the apportionment of duties between BOLI and OED regarding protected leave provisions under Paid Leave Oregon and ORS chapter 659A.
- **Technical Changes to Paid Leave Oregon (Sections 2-7)**
 - Exempts employers from the requirement to provide specified compensation to an employee when the employer violates the requirement to provide an employee written notice of their schedule in writing at least 14 calendar days before the first day of work when the employer is provided less than 14 days' notice before the first day of a work schedule of the need for leave or of return from leave under either Paid Leave Oregon or other protected leave provisions within ORS Chapter 659A, and an employer makes a change to another employee's schedule who is assigned to cover the specific shifts for the employee on protected leave.
 - Includes "federally recognized Indian tribe" under the exclusion from definition of "employer" within Paid Leave Oregon.
 - Amends the definition of "family leave" under Paid Leave Oregon to include leave to "effectuate the legal process required for placement of a foster child or adoption of a child."
 - Entitles an employee to use accrued paid leave offered by an employer in addition to Paid Leave Oregon benefits while on leave to extent that the total combination of Paid Leave Oregon benefits and benefits received by the employee do not exceed the employee's full wage replacement unless the employer

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- permits the employee to receive combined amounts in excess of full wage replacement.
- Specifies that employees who are eligible for time loss workers' compensation benefits are ineligible for Paid Leave Oregon benefits.
- Exempts Paid Leave Oregon benefits from garnishment except for child or spousal support garnishments and restitution for crime victims.
- **Alignment of Paid Leave Oregon and Oregon Family Leave Act (Sections 7-11)**
 - Removes 16 week leave cap per benefit year for leave taken in any combination under both Paid Leave Oregon and Oregon Family Leave Act (OFLA.)
 - Removes unpaid, protected leave to care for self or a family member with a serious health condition and unpaid, protected leave to care for an infant or newly adopted or newly placed foster child under OFLA.
 - Modifies sick child leave under OFLA to include all illnesses, injuries, or conditions that require home care.
 - Specifies that leave taken under OFLA is in addition to leave taken under Paid Leave Oregon.
 - Reduces bereavement leave under OFLA to maximum of four weeks in any one-year period.
 - Removes additional 12 weeks of sick child leave currently permitted if employee has taken bonding leave.
 - Clarifies when two or more family members who work for the same employer may take protected leave concurrently under OFLA.
 - Specifies that an employee may begin OFLA leave without prior notice when employee is taking pregnancy disability leave.
 - Modifies provisions governing medical verification for leave when an employee takes leave under OFLA for sick child/public health emergency or pregnancy disability leave.
- **Temporary Oregon Family Leave Act Provision (Sections 12-13)**
 - Permits eligible employee to take an additional two weeks of protected, unpaid leave under the Oregon Family Leave Act to effectuate the legal process required for placement of a foster child or adoption of a child. Specifies the notice that an employee must provide an employer when taking this leave.
- **Operative and Effective Dates (Sections 22-23)**
 - Declares an emergency, effective on passage. Specifies an operative date of July 1, 2024, and a sunset date of January 1, 2025, for the temporary Oregon Family Leave Act (OFLA) provision for effectuating the legal process required for placement of a foster child or adoption of child. Specifies an operative date of January 1, 2025, for provision amending the definition of "family leave" under Paid Leave Oregon to include leave to effectuate the legal process required for placement of a foster child or adoption of a child. Specifies an operative date of July 1, 2024, for remaining technical fixes and alignment provisions under Paid Leave Oregon and OFLA.

ISSUES DISCUSSED:

- Calculation of full wage replacement with use of accrued paid leave in conjunction of Paid Leave Oregon benefits
- Use of accrued paid leave in conjunction with Oregon Family Leave Act
- Calculation of benefit amount under Paid Leave Oregon
- Past legislation affecting use of accrued paid leave in conjunction with Paid Leave Oregon benefits

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

The Paid Leave Oregon program is contained in ORS chapter 657B and was enacted by the Legislative Assembly in 2019. This program allows eligible Oregon employees to take paid leave for specified family, medical, or safety-related reasons and requires employers with 25 or more employees to contribute to the program's fund. An employer may offer employees an equivalent plan approved by the Oregon Employment Department (OED) in lieu of participating in Paid Leave Oregon. Self-employed persons and independent contractors can elect to participate in the program.

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The Oregon Family Leave Act (OFLA) applies to employers with 25 or more employees. OFLA permits employees to take protected, unpaid leave for several qualifying reasons, including parental leave, an employee's serious health condition, a family member's serious health condition, bereavement, pregnancy disability, and sick child leave.

Employers administer OFLA on behalf of their employees. OED administers the Paid Leave Oregon program. The Oregon Bureau of Labor and Industries investigates employee complaints of violations of OFLA. Existing law establishes the maximum leave lengths for OFLA and Paid Leave Oregon during a benefit year. Maximum leave lengths may vary by leave type and combination of leave type within each program.

Senate Bill 1515 A makes several technical fixes to the Paid Leave Oregon Program, addresses administration and reporting of Paid Leave Oregon, the Oregon Family Leave Act (OFLA), and other protected leave provisions through a joint agency report to the Legislative Assembly, and works to establish concurrency and alignment of OFLA and Paid Leave Oregon.