

Chair Holvey and members of the Committee:

My name is Emily Gothard and I am here today to testify in opposition to SB 1514 and 1515 in their current form. SB 1515 proposes to remove provisions of protected leave under the Oregon Family Leave Act (OFLA) when the same type of leave is covered by Oregon's paid family and medical leave insurance program, also known as Paid Leave Oregon (PLO). I will outline the ways that SB 1515 and 1514 will harm Oregon workers:

1. **Removal of rights to job-protected leave under OFLA will lead workers to lose their jobs and create significant equity issues.** PLO requires that an employee apply for it, which means submitting an application to the Oregon Employment Department (OED) with required documentation. OFLA requires an employer to notify the employee within 5 business days of acquiring knowledge that leave may be OFLA qualifying. The employer must pay the employee's out-of-pocket costs for any medical verification under OFLA. By removing the provisions of OFLA that are covered by PLO, this puts all of the burden on employees, and disproportionately disadvantages low wage employees and employees who speak other languages who may be less likely to be aware of their rights to take PLO.

If an employee's application has a defect and is denied, they may fail to appeal the PLO denial or not understand the reason for the denial or that it could be overturned. If the employee is deemed ineligible for PLO, they lose the job-protected status of being on PLO, meaning they could lose their job. The federal Family Medical Leave Act (FMLA) does not provide adequate protection against this because OFLA offers much more expansive protections compared to FMLA. Currently, an employee could qualify for OFLA and not qualify for FMLA if their employer does not employ a sufficient number of employees, if they have not worked for their employer for a full year or worked sufficient hours, or if they are using leave to care for a family member not covered under the more restrictive FMLA definition. Removing the overlapping provisions of OFLA is an equity issue that will harm workers who are already at the greatest disadvantage.

2. **PLO claims are taking too long to process, which would leave workers wondering whether their leave was approved or if their job was in jeopardy if equivalent OFLA covered leave is removed.**
3. **The reduction of bereavement leave under OFLA is needless and cruel.** Currently under OFLA, workers are entitled to up to two weeks of unpaid bereavement leave for each death of a qualifying family member, up to twelve weeks per year. Bereavement leave is not covered by PLO so there is no economic reason to reduce the leave, but SB 1515 needlessly proposes to reduce the maximum amount of bereavement leave from 12 weeks to 4 weeks. This won't affect many people, but imagine if you lost your spouse and three children in a car accident – do you think it's right to say you should only have four weeks of job-protected bereavement leave instead of eight? I believe workers in Oregon deserve better when they face tragedy.

4. **The solvency proposals made by SB 1514 may reduce the total leave available, making it all the more critical that OFLA provisions remain intact.** I understand the need to have tools to address any solvency issues in PLO, but SB 1514 grants the Director of the Employment Department the right to reduce PLO leave to 10 weeks instead of 12, with no provision to protect the remaining amount of time as unpaid leave that would have been afforded by PLO absent solvency issues. We should not be moving backwards in the amount of job-protected family and medical leave that employees are offered. I also must advocate that any solvency proposal should first reduce the amount of benefits in the final weeks of leave before reducing overall benefits. If benefits are not sufficient for an employee to make their rent, they may be forced to continue to work despite their child being in the hospital or their spouse dying. Preserving the rate of benefits for some duration of time will help preserve the rights of all employees to access PLO and not just those with the privilege to be able to afford the reduction in benefits.
  
5. **There are other problems that should be addressed in the PLO program which are not corrected by SB 1515 or SB 1514, which include:**
  - a. **Partial Day Leave.** Employees taking OFLA unpaid leave have the right to take intermittent partial day leave, but this is not available under PLO. PLO should be expanded to offer partial day leave when employees do not need a full day of leave.
  - b. **Homecare workers, seasonal employees, and workers hired through hiring halls can fall through the cracks of PLO.** PLO requires an expectation of continuing employment. If a homecare worker has a client who passes away, a seasonal employee's season ends, or a worker hired through a hiring hall has their assignment end with no future scheduling while they are on leave, they lose their eligibility for PLO. These employees also fall through the cracks of unemployment insurance because they would not qualify if they are unable to look for work due to their reason of being on family and medical leave. These employees deserve access to PLO, too.
  
6. **SB 1515 reduces the amount of job-protected leave available to some employees in some circumstances.** I understand this is essentially the point of this bill to prevent the stacking of different types of leave, although it is done ineffectively and this is not the only way it could be addressed. Further, it is also the wrong choice. Roughly half of OECD countries offer 50 weeks or more of paid parental leave and these policies have been shown to improve child health outcomes and reduce the infant mortality rate. Oregon only offers 12 weeks of paid leave, yet this bill seeks to ensure workers take less unpaid leave. These policy decisions will be a matter of life and death for some infants.

For all of these reasons, I must urge you to vote in opposition to SB 1515 and 1514 in their current form. Substantial amendments are needed to make these bills work for Oregon workers and families.

Thank you,

Emily Gothard