

Submitter: Patty Falkenstein  
On Behalf Of:  
Committee: House Committee On Business and Labor  
Measure: SB1515

Chair Holvey and members of the Committee:

My name is Patty Falkenstein 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). SB 1515 and 1514 will harm Oregon workers:

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.

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.

In their current forms these Bills would unfairly impact workers that can least afford it.

Please make sure these Bills become equitable, fair, and having the Oregon values we hold dear.

Thank you

Patty Falkenstein Care Provider