

## **SB 1108 -1, -2 STAFF MEASURE SUMMARY**

### **Senate Committee On Labor and Business**

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**Meeting Dates:** 4/1, 4/8

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#### **WHAT THE MEASURE DOES:**

The measure requires employers in Oregon to permit an employee to use blood donation leave without loss of time, pay, or benefits. The measure specifies that blood donation leave may be taken by an employee for up to four hours per calendar year and that this leave is in addition to any other accrued paid leave that an employee may be entitled to. Defines key terms, including "blood donation leave."

Fiscal impact: May have fiscal impact, but no statement yet issued

Revenue impact: No revenue impact

#### **ISSUES DISCUSSED:**

- Impetus for measure
- Existing leave laws
- Potential impact on employers

#### **EFFECT OF AMENDMENT:**

-1 The amendment specifies that blood donation leave does not accrue if the leave is not used by the employee during the calendar year and that blood donation leave must be taken in hourly increments. The amendment requires an employee to provide their employer with 14 days advance notice before taking blood donation leave and permits an employer to require an employee to provide certification of blood donation within a reasonable time after the employer's request. The amendment makes it an unlawful employment practice for an employer to deny blood donation leave or retaliate or discriminate against an individual because the individual has asked about blood donation leave or requested to use blood donation leave.

Fiscal impact: May have fiscal impact, but no statement yet issued

Revenue impact: No revenue impact

-2 Replaces the measure. The amendment permits the use of earned statutory sick time for blood donation that is made in connection with a voluntary program that is approved or accredited by the American Association of Blood Banks or the American Red Cross.

Fiscal impact: May have fiscal impact, but no statement yet issued

Revenue impact: No revenue impact

#### **BACKGROUND:**

Oregon law provides employees with paid and unpaid protected leave for a variety of reasons. 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 sick child leave, pregnancy disability leave, and bereavement leave.

Oregon law also provides employees with leave for other reasons, such as military family leave, sick leave, and leave to attend a criminal proceeding. Employers in Oregon with at least ten employees are required to have a sick time policy that permits an employee to accrue at least one hour of paid sick time for every 30 hours that the employee works, or 1-1/3 hours for every 40 hours that the employee works. Employees are permitted to cap accrued paid sick time at 40 hours per year. Oregon law requires employers with fewer than 10 employees to permit employees to accrue the same number of sick time hours a year as those employers with at least ten employees, however this sick time is permitted to be unpaid. ORS 653.616 specifies when an employee may use earned sick time, such as to care for the employee's mental or physical illness, or to care for a family member with a mental or physical illness.

Senate Bill 1108 requires employers in Oregon to permit an employee to use blood donation leave without loss of time, pay, or benefits.