

HB 3491 -2 STAFF MEASURE SUMMARY

House Committee On Labor and Workplace Standards

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Meeting Dates: 3/24, 4/7

WHAT THE MEASURE DOES:

The measure requires the Oregon Employment Department (OED) to study issues related to the paid family and medical leave insurance program.

Fiscal impact: Statement not yet issued

Revenue impact: Statement not yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 Replaces the measure.

Requires the Bureau of Labor and Industries (BOLI) and the Oregon Employment Department (OED) to report to the interim committee of the Legislative Assembly related to business and labor by June 30, 2026 regarding recommendations for statutory changes necessary to:

- Establish job and retaliation protections for partial-day leave taken under the leave provisions of chapter 657B.
- Address the need for continued protection for employees whose employers are not subject to the federal Family and Medical Leave Act (FMLA) and for whom job and retaliation protections for partial-day leave are no longer available as a result of Senate Bill 151 5 (2024).

Requires OED to develop a strategic plan to modify FRANCES, the system utilized for processing Paid Leave Oregon claims, to permit an individual to take Paid Leave on an incremental basis. Specifies minimum requirements of strategic plan including requirements to:

- Analyze the potential impacts and projected costs of implementing a partial-day leave policy over a three-year timeline; five-year timeline; and ten-year timeline.
- Assess the cost impacts of implementing a partial-day family and medical leave policy for employers of different sizes and types.
- Examine the cost differentials associated with alternative methods for implementing a partial-day leave policy.

Requires OED to submit the strategic plan to the interim committees of the Legislative Assembly related to business and labor by December 31, 2026.

Repeals reporting requirements January 2, 2027.

Requires an employer to provide to an employee a written guidance document that briefly summarizes the qualifying purposes for which an employee may take Paid Leave Oregon, Oregon Sick Leave, and Oregon Family Leave. Requires employer to provide document at the time of hire and whenever the employee inquires about taking leave.

Requires OED to prescribe by rule the form and manner for the written guidance document an employer is required to provide an employee.

Requires BOLI and OED to:

- collaborate and make available the model written guidance document that employers may use to satisfy notice requirements;
- provide the written guidance in English and Spanish;
- translate into other languages, to the extent practicable, when requested; and
- make available an updated document to employers, by October 1 of each year.

Establishes, as an unlawful employment practice, an employer's failure to provide the written guidance document in compliance with the requirements of this Act.

BACKGROUND:

The paid family and medical leave insurance program (Paid Leave Oregon) provides employees with up to 12 weeks per year of paid leave for qualifying family, medical, or safe leave. On January 1, 2023, the Oregon Employment Department (OED) began collecting employer and employee contributions to the program and on September 3, 2023, employees began utilizing Paid Leave Oregon benefits.