

SB 69 A STAFF MEASURE SUMMARY

House Committee On Labor and Workplace Standards

Prepared By: Erin Seiler, LPRO Analyst

Meeting Dates: 4/21, 4/28

WHAT THE MEASURE DOES:

The measure makes administrative and technical modifications within Paid Leave Oregon and the Oregon Family Leave Act (OFLA). It also creates an exception to OFLA eligibility requirements for employees based in Oregon who are subject to federal regulations as airline flight crew employees and meet the hours of service requirement under specified federal regulations. Takes effect on the 91st day following adjournment sine die.

Detailed Summary:

Section 2

Specifies that the Bureau of Labor and Industries (BOLI) is responsible for administrative and regulatory oversight for specified job protection, retaliation, and discrimination provisions within Paid Leave Oregon and may adopt any necessary rules.

Section 3

Tolls the applicable statute of limitation period for filing a complaint with BOLI or filing a civil action alleging a violation of specified job protection, retaliation, and discrimination provisions within Paid Leave Oregon if the claimant files an appeal within Paid Leave Oregon for the period of time the appeal is pending.

Section 4

Defines child for purposes of protected leave taken from work to care for a child of the employee who is suffering from an illness, injury, or condition that requires home care or requires home care due to closure of the child's school or child care provider as a result of a public health emergency within the Oregon Family Leave Act (OFLA).

Section 5

Permits employee to begin taking OFLA leave without prior notice when leave is required because of the closure of the employee's child's school or child care provider due to a public health emergency unless declaration of the public health emergency was issued by the Governor at least 30 days before commencement of leave.

Section 6

Permits the Oregon Employment Department (OED) to disclose Paid Leave Oregon benefit amount information of employees to the extent necessary for the employer to calculate full wage replacement during a period of leave taken under Paid Leave Oregon.

Section 7

Allows employer to require that employee receive certification from the employee's health care provider that the employee is able to resume work before restoring the employee to work after a period of medical leave within Paid Leave Oregon if the certification is pursuant to a uniformly applied practice or policy of the employer.

Section 8

Permits use of statutory sick time for any qualifying purpose within Paid Leave Oregon.

Section 9

Makes conforming amendment.

Section 10

Makes exception to OFLA eligibility requirements for employees based in Oregon who are subject to federal regulations as airline flight crew employees and meet the hours of service requirement under specified federal regulations.

Section 11

Specifies that Section 2 becomes operative on January 1, 2026.

Section 12

Takes effect on the 91st day following adjournment sine die.

Fiscal impact: Minimal fiscal impact

Revenue impact: Minimal revenue impact

Senate vote: 24 ayes, 5 nays, 1 excused

ISSUES DISCUSSED:

- Relationship between Oregon Family Leave Act (OFLA) and Paid Leave Oregon
- Senate Bill 1515 (2024) report
- Structural fixes that improve and clarify the administration of leave programs
- Interim work group process

EFFECT OF AMENDMENT:

No amendment.

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.

The Oregon Family Leave Act (OFLA) applies to employers with 25 or more employees. OFLA permits employees to take protected, unpaid leave for qualifying reasons, including 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.

Senate Bill 69 A makes administrative and technical modifications within Paid Leave Oregon and the Oregon Family Leave Act.