

Paid Family and Medical Leave

In 2019, Oregon passed [legislation](#) establishing a statewide paid family and medical leave program, funded through a mandatory payroll tax on employees and employers with more than 25 workers, beginning in 2023.

The program allows eligible employees to take up to 12 weeks of protected paid leave per year for certain family and medical reasons, also starting in 2023. Employees who experience a pregnancy-related serious health condition that results in incapacity are eligible for up to 18 weeks of paid family and medical leave.

Beginning Jan. 1, 2023, employers must provide written notice to employees of their right to benefits under the law. This deadline was initially set for an earlier date, along with other program implementation dates. The rollout of the program was [delayed](#) as a result of the COVID-19 pandemic.

Covered Employers

In Oregon, all private employers with one or more employees must comply with the paid family and medical leave requirements. In addition, state and local government employees are covered.

Self-employed individuals and tribal governments may opt in to the program.

Eligible Employees

Virtually all employees working in Oregon will be covered individuals who are eligible for paid family and medical leave benefits, provided they have:

- Earned at least \$1,000 in wages during the base year; or
- Earned at least \$1,000 in wages during the alternate base year.

For this purpose, the “base year” means the first four of the last five completed calendar quarters preceding the benefit year. The “alternate base year” means the last four completed calendar quarters preceding the benefit year. In most cases, the “benefit year” is the 52-week period beginning on the Sunday immediately preceding the date on which leave begins.

Qualifying Reasons for Paid Family and Medical Leave

Under the amended timeline for the program, beginning **Sept. 3, 2023**, Oregon employees will be able to use paid family and medical leave for the following reasons:

1. To care for and bond with a child during the first year after the child’s birth, or during the first year after the child’s placement through foster care or adoption;

2. To care for a family member with a serious health condition;
3. Due to the employee's serious health condition; or
4. To seek assistance, medical treatment, counseling or victim services, or to relocate, due to domestic violence, harassment, sexual assault or stalking (safe leave).

For purposes of paid family and medical leave, an employee's **family member** includes the employee's:

- Spouse or domestic partner;
- Child or the child's spouse or domestic partner (including a biological child, adopted child, stepchild, foster child or legal ward of the covered individual or of the covered individual's spouse or domestic partner);
- Parent or the parent's spouse or domestic partner (including a biological parent, adoptive parent, stepparent, foster parent, former foster parent, or legal guardian of the covered individual or of the covered individual's spouse or domestic partner);
- Sibling or stepsibling (or the sibling's or stepsibling's spouse or domestic partner);
- Grandparent (or the grandparent's spouse or domestic partner);
- Grandchild (or the grandchild's spouse or domestic partner); or
- Any individual related by blood or affinity whose close association with a covered individual is the equivalent of a family relationship.

A person standing *in loco parentis* (in place of a parent) to the eligible employee (or who stood *in loco parentis* to the eligible employee when the employee was a child) is also included in the definition of family member.

Serious Health Condition: For purposes of Oregon's paid family and medical leave program, a serious health condition is defined similarly to that under the federal Family and Medical Leave Act (FMLA). In general, it refers to:

- An illness, injury, impairment, or physical or mental condition that requires inpatient care in a hospital, hospice, nursing home or residential medical care facility;
- An illness, disease or condition that, in the medical judgment of the treating health care provider, poses an imminent danger of death, is terminal in prognosis with a reasonable possibility of death in the near future, or requires constant care; or
- Any period of disability due to pregnancy or period of absence for prenatal care.

Duration of Paid Family and Medical Leave

The paid family and medical leave program provides the following leave amounts per benefit year:

Paid Family and Medical Leave	Up to 12 weeks
Paid and Unpaid Family and Medical Leave Combined	Up to 16 weeks
Pregnancy Disability Leave	Two additional weeks (for a total of up to 18 weeks)

Employer Notification Requirements

Employers must provide written notice to employees of their right to benefits under the law by the amended effective date of **Jan. 1, 2023**. The Director of the Oregon Employment Department is expected to adopt regulations that will provide further information on this notification requirement, as well as make a model notice available for employer use.

Amount of Family and Medical Leave Benefits

While on family and medical leave, employees will be paid as follows:

- If the employee's average weekly wage is equal to or less than 65% of the state average weekly wage, the employee's weekly benefit amount is 100% of their average weekly wage.
- If the employee's average weekly wage is greater than 65% of the state average weekly wage, the employee's weekly benefit amount is the sum of: (1) 65% of the state average weekly wage; and (2) 50% of the part of their average weekly wage that is greater than 65% of the state average weekly wage.

An employee's weekly benefit amount will be set at a minimum of 5% of the state average weekly wage and capped at 120% of the state average weekly wage.

Benefits will be available beginning Sept. 3, 2023 (delayed from an initial availability date of Jan. 1, 2023).

Paid Leave Funding

The paid family and medical leave program is funded by a **mandatory payroll tax on employees and employers with at least 25 workers**, beginning **Jan. 1, 2023**. The Oregon Employment Department sets the contribution rate annually, up to a cap of 1% of employee wages. **The rate will start at 1% in 2023**. Employers are required to contribute 40% of the rate, but they may deduct the remaining 60% from each employee's wages. Employers may also pay the employee's portion as an employer-offered benefit.

Employers with fewer than 25 employees are exempt from paying the employer portion of the contribution. However, small employers who elect to pay into the program will be eligible for grants to

help cover the cost of replacement workers. Regardless of whether small employers elect to contribute, their eligible employees will still be assessed the employee contribution and will be eligible for paid family leave benefits.

Equivalent Plans

Employers may apply to the Oregon Employment Department for approval to meet their obligations under the law through an equivalent employer-offered benefit plan, which can be employer-administered or fully insured. An employer's equivalent plan must provide all of the same rights, protections and benefits as provided under the paid family and medical leave law. This means, among other things, that equivalent plans must cover all employees who have been continuously employed by the employer for at least 30 days, and the plans must not require employee contributions greater than those required by the state plan.

Employers can submit applications for equivalent plans starting in September 2022. The application fee is \$250, and the review process is expected to take at least 30 days. Employers must reapply for approval for their equivalent plans annually, but only for the first three years. After that, the equivalent plans will remain in place until withdrawn or terminated.

[Regulations](#) issued by the Oregon Employment Department establish procedures for employers to obtain approval; the department has issued a [fact sheet](#) providing general information on the topic.

More Information

The Oregon Employment Department has published [fact sheets](#) and [FAQs](#) about the program. Contact WHA Insurance Agency for more information about the Oregon paid family and medical leave law.

Benefits Insights

Oregon Paid Family and Medical Leave

Oregon Paid Family and Medical Leave is a new program allowing eligible employees to take up to 12 weeks of protected paid leave per year for certain family and medical reasons. This includes:

- **Family Leave** – to care for a family member with a serious illness or injury, or to bond with a new child after birth, adoption, or foster care placement.
- **Medical Leave** – during one's own serious health condition.
- **Safe Leave** – for survivors of sexual assault, domestic violence, harassment, or stalking.

The paid leave program is funded by a trust fund. Contributions are paid by employees (60%) and employers (40%). Small employers are not required to pay the employer portion (40%) of contributions, but they still must withhold and submit the employee portion of contributions with their payroll reports. By November 2022, the Employment Department will set the contribution rate, which may be up to 1 % of an employee's total wages. Oregon employers will begin contributing to the paid leave trust fund on January 1, 2023. Small employers, those with fewer than 25 employees, are not required to contribute. However, grants will be available for those that choose to pay their 40%.

Equivalent Plans. Employers may provide equivalent paid leave plans for their employees as an alternative to participating in the Paid Leave Oregon program. These plans are available from a number of different disability carriers and WHA Insurance is happy to provide you with quotes. Here are a couple of reasons you might look at using a private carrier:

- Employers have full control of the plan
- Employers can defer their contribution until September 2023 once the plan is approved by the state. Application can be submitted starting in September 2022.
- Simplifies the process for the employee.

Benefits and Eligibility – Contribution begin January 1, 2023, to be effective September 3, 2023.

Eligibility	Plan Contributions	Benefit Waiting & Maximum Benefit Periods	Qualified Family Members	Qualifying Leave Reasons	Wage Replacement	Provides Job Protection
<p>Employer: Employers must participate unless they have an approved equivalent plan</p> <p>Employee: Must have earned \$1,000 or more in the base year prior to filing a claim</p>	<p>Shared Contribution Plan:</p> <ul style="list-style-type: none"> Employee contributes 60% Employer contributes 40% <p>Annual Wage Cap in the first year: \$132,900 CPI-West Region</p> <p>Contribution Rate: 1% (not confirmed via rules)</p> <p>Employers with fewer than 25 employees do not have to contribute</p>	<p>Benefit Waiting Period: None</p> <p>Maximum Benefit Period: 12 weeks Two additional weeks may be granted due to pregnancy complications Up to an additional four weeks of unpaid leave eligible under OFLA</p>	<ul style="list-style-type: none"> Spouse Child Parent Parent-in-law Sibling or stepsibling Grandparent Grandparent-in-law Grandchild Domestic partner Any other individual related by blood or affinity 	<ul style="list-style-type: none"> Own medical* Care of family Bonding Safe leave <p>*In Batch 3 rule making definition of Serious Health Condition includes donation of body part, organ and tissue (Pre and post op)</p>	<p>Employees earning equal to or less than 65% of the SAWW will receive 100% of wages</p> <p>Employees earning greater than 65% of the SAWW: 65% of SAWW (\$745.58) plus 50% of employees AWW that is above 65% of the SAWW</p> <p>State Average Weekly Wage: \$1,147.05 for July 1, 2021, through June 30, 2022</p> <p>Minimum Benefit: 5% of the SAWW = \$57.35</p> <p>Maximum Benefit: 120% of the SAWW = \$1,376.46</p>	<p>Yes, following 90 days employed by employer</p> <p>Employers are required to maintain health insurance at the same contribution levels prior to the leave for the duration of an employees' leave</p>



(800) 852-6210



OVERVIEW

A new program that allows workers in Oregon to take paid time off for some of life's most important moments that impact our families, health and safety.



Family Leave – to care for a family member with a serious illness or injury, or to bond with a new child after birth, adoption or foster care placement.



Medical Leave – during one's own serious health condition.



Safe Leave – for survivors of sexual assault, domestic violence, harassment, or stalking.

When will the Paid Leave program start?

Employers will begin payroll contributions in January 2023, and workers will be able to apply for benefits in September 2023.

Benefits:

- \$** Up to 12 weeks of paid leave per benefit year (up to 14 weeks for pregnancy-related medical leave). You can take leave a week or a single day at a time.
- \$** If you have been with your employer for more than 90 days, your job remains protected and safe while you use paid leave. Your employer cannot penalize you for using paid leave.
- \$** Benefit payments depend on your wages and/or income compared to the statewide average weekly wage; many will receive 100% wage replacement.

Who is covered? Any employee who has earned at least \$1,000 during the year prior to claiming paid leave may be eligible. Most employees working in Oregon will be covered. Tribal governments, self-employed business owners, and independent contractors may choose to participate by notifying the paid leave program.

How is this funded? The paid leave program is funded by a trust fund. Both workers and employers contribute to the trust fund through payroll taxes. By November 2022, the Employment Department will set the contribution rate, which may be up to 1 % of an employee's total wages.

Oregon employers will begin contributing to the paid leave trust fund on January 1, 2023. Once the rate is set, large employers will contribute 40%, and employees will contribute 60% of the total contribution for each individual. Small employers, those with fewer than 25 employees, are not required to contribute. However, grants will be available for those that choose to do pay their 40%.

Equivalent Plans. Employers may elect to provide their own paid leave plan for their employees. These plans must provide equal to or greater benefits to employees to the state's paid leave plan, and they may not cost more for employees than the state's plan. The paid leave program must approve all employers' equivalent plans. Employers may start submitting applications for equivalent plans in September 2022.

Get involved. Currently we are creating the rules that will dictate how the paid leave program will work. We want to build a program that works for all Oregonians. We invite you to attend a public hearing or send us your comments. You can find out more on the paid leave website at oregon.gov/employ/pfml in the section for the [Rulemaking Advisory Committee](#).

Learn More.



Visit oregon.gov/employ/pfml and subscribe to [email updates](#).



Email us at paidleave@oregon.gov.



Call us at 503-370-5800.

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What are contributions and when do they start? Employees and employers will pay contributions to support Paid Leave Oregon starting on January 1, 2023.

What are contributions used for?



Paid leave benefits for employees



Grants to help small employers when their employees use paid leave



Program administration

How much are contributions? Contributions are a percentage of wages. The rate for 2023 is 1% of up to \$132,900 in wages.

How are contributions shared between employers and employees? Employees pay 60% of the set contribution rate, and employers pay 40%. For example, if an employee made \$1,000 in wages, the employee would pay \$6 and the employer would pay \$4 for this paycheck. Employers may choose to pay the employee portion as a benefit for their employees.

Which employers and employees are required to participate in Paid Leave Oregon? All employers, except federal and tribal governments, are required to participate in the paid leave program. Tribal governments can choose to provide coverage through the program.

All employees, except employees of the federal and tribal governments, are required to participate in the paid leave program. Employees of tribal governments participate if their tribal government has elected coverage. Self-employed individuals and independent contractors can also choose to participate.

What support is available to small employers? Small employers (fewer than 25 employees) are not required to pay the employer portion of contributions. The Employment Department will notify employers of their size each year.

Assistance grants are available for small employers to help with the costs of replacing an employee taking paid leave. The grants cover up to \$3,000 per employee for up to 10 employees per year (\$30,000 total). Small employers that receive grants commit to pay the employer portion of contributions for two years.

How are wages reported and contributions paid to the department? Contributions are a payroll tax and will be included in combined payroll forms starting in January 2023. Employers will deduct employees' paid leave contributions from paychecks. Employers will then report wages and pay both the employee and employer contributions through the combined payroll reporting process.

Are contributions required for employees who live or work in multiple states? Contributions are required for employees who primarily work in Oregon, even if employees live in another state or occasionally work in another state. Oregon residents who work entirely in another state do not pay contributions.

How are Paid Leave contributions different from Unemployment Insurance tax? The Employment Department administers both Paid Leave Oregon contributions and Unemployment Insurance taxes. Below are some program similarities and differences.

Paid Leave Oregon contributions	Unemployment Insurance taxes
Same contribution rate for all employers. Rate is not connected to benefit usage from employer.	Different tax rates for employers. Rate is connected to benefits usage from employer.
Contribution rate and maximum wage set annually by November 15.	Tax rates and taxable wage base set annually by November 15.
Contributions paid by employees and employers.	Tax paid by employers only.
Contributions based on employee wages.	Tax based on employee wages.
Contribution paid through combined payroll reporting.	Tax paid through combined payroll reporting.
No reimbursement option for employers.	Some employers can reimburse for benefits instead of paying tax.
Penalties and interests for employers for late reporting and contribution payments.	Penalties and interests for employers for late reporting and contribution payments.

Are there alternatives to the state paid leave plan for employers? Yes, employers can apply for approval to use their own equivalent plan to provide benefits that are equal to or greater than those provided by the state paid leave program. Employers with an approved equivalent plan still report wages through payroll reports, but they are not required to pay contributions. Information about [equivalent plans are available online](#).



BENEFITS

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Family Leave – to care for a family member with a serious illness or injury; or to bond with a new child after birth, adoption, or foster care placement.



Medical Leave – during one's own serious health condition.



Safe Leave – for survivors of sexual assault, domestic violence, harassment, or stalking.

Can I use paid leave benefits if my family is sick or injured?

Yes. You are covered to care for a family member that is sick or injured.

Who is considered my family under the Paid Leave program?

Any person related by blood, or whose relationship with you is like family.

When can I apply for benefits?

September 2023

How much paid leave can I get?

12 weeks of paid leave per year, plus an additional two weeks for limitations related to pregnancy. You can use paid leave one work day at a time or consecutively.

How much money will I get?

Many employees will get 100% of their wages replaced. Your benefit amount is based on your average wages from the previous year. The minimum weekly amount is currently about \$61, and the maximum weekly amount is about \$1,469. Minimum and maximum amounts are based on the state average weekly wage, which is updated every year on July 1.

What are the requirements to collect paid leave benefits?

Employees requesting paid leave benefits must have:

- ➔ Experienced a qualifying event
- ➔ Completed an application
- ➔ Earned \$1,000 in wages in the past year
- ➔ Contributed to the paid leave trust fund through paycheck deductions

When should I notify my employer I intend to take paid leave?

If you know you will need to take paid leave, you must notify your employer in writing at least 30 days before you take leave. If you need to take leave unexpectedly, you must give verbal notice within 24 hours of starting your leave and provide written notice within three days after the start of your leave.

Which employees are covered by Paid Leave Oregon?

Paid Leave Oregon covers most employees who work in Oregon, including those who are salaried, hourly, full-time, part-time, and seasonal.

Which employees are not covered by Paid Leave Oregon?

People who are not covered by paid leave are:

- ➔ Federal employees
- ➔ Tribal government employees
- ➔ People who are self-employed or independent contractors
- ➔ Employees that only work outside of Oregon

If I am not covered by Paid Leave Oregon, can I choose to join the program?

Tribal governments may choose to participate in the Paid Leave program, and their employees will be covered. People who are self-employed or independent contractors may also choose to join the Paid Leave program.

How is Oregon's Paid Leave program different from Family Medical Leave Act (FMLA) and Oregon Family Leave Act (OFLA)?

Each program has many rules and can be complex. A chart showing details is on the Paid Leave Oregon [website](#). Please work with your human resources representative to determine which program best fits your needs.

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Who are considered small employers for Paid Leave Oregon?

A small employer has less than 25 employees.

Are small employers covered by Paid Leave Oregon?

Yes, Paid Leave Oregon covers all employers– large and small – and their employees.

Are small employers required to pay contributions?

Contributions are paid by employees (60%) and employers (40%). Small employers are not required to pay the employer portion (40%) of contributions, but they still must withhold and submit the employee portion of contributions with their payroll reports.

What job protections must small employers provide?

Like all employers, small employers must return employees who take paid leave back to their position if it still exists. If the position no longer exists, the employer may choose to put the employee in a different position with similar job duties with the same pay.

Which employees are counted in the 25?

We will use payroll reports to count employees to determine employer size, including full-time, part-time, seasonal, and temporary employees, as well as out-of-state workers. Only workers hired to replace employees taking paid leave are excluded from the count.

How will employer size be determined when contributions begin in January 2023?

All employers with 25 or more employees will begin paying contributions in January 2023. Employers determine their size by counting the number of employees (including both those inside and outside of Oregon). Employers who are unsure of employee size may set aside employer contributions. OED will use employer's payroll reports from January-March 2023 (Quarter 1) to make an official determination and notify employers by June if they have to pay contributions. Employers will find detailed instructions in the upcoming combined payroll-reporting guide as well as in the upcoming employer guidebook.

How is employer size determined annually after 2023?

Every year, we will count the total number of employees for each quarter and then calculate the average of four quarters. Each November, we will notify employers of their employer size for the following year.

Does Paid Leave Oregon count employees the same as the Oregon Family Leave Act (OFLA)? If an employer isn't covered by OFLA, is it still considered a small employer for Paid Leave Oregon? There are significant differences in how OFLA and Paid Leave Oregon determine employer size. OFLA coverage does not matter when determining employer size for Paid Leave Oregon.

	Paid Leave Oregon	OFLA
Are small employers covered?	Yes, but small employers don't pay employer contributions	No
What is a small employer?	Fewer than 25 employees	Fewer than 25 employees
Who are counted as employees?	All employees working inside and outside of Oregon	All employees working inside Oregon
How is size determined?	Quarterly average number of employees in the previous year	Whether 25 or more people were employed for 20 or more workdays during each of 20 workweeks in the current or previous year

Is there support for small employers when their employees take paid leave? Yes. Small employers that agree to pay the employer portion of contributions can receive assistance grants to help with the costs of hiring a replacement worker or other significant wage-related costs.

How much money is available in assistance grants? Up to \$3,000 for each employee who takes leave, up to \$30,000 per year.

What are the types of assistance grants?

The following grants are available:



\$3,000 to hire a replacement worker.



\$1,000 for wage-related costs, such as overtime or training costs.

What are the requirements to receive a grant? To receive a grant, small employers must commit to paying employer contributions (40% of the total rate) for at least eight calendar quarters after receiving the grant. They must complete an application and submit documentation that a replacement worker was hired or wage-related costs were incurred.

Are employers required to repay grants?

Employers only have to repay grants if there is an amendment to their employer size and they are no longer eligible for the grant they received.






EQUIVALENT PLANS

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What is an equivalent plan? Employers may provide equivalent paid leave plans for their employees as an alternative to participating in the Paid Leave Oregon program.

What are the general requirements of an equivalent plan?

An equivalent plan must:



-  Cover all employees who have been continuously employed with the employer for at least 30 calendar days.
-  Ensure employee contributions are not greater than what would be charged under the state plan.
-  Provide benefits that are equal to or greater than the benefits offered by the state plan, including:
 1. Allowing leave for family, medical, and safe-leave reasons
 2. Providing up to 12 weeks of paid leave per year (plus an additional two weeks for pregnancy-related medical leave)
 3. Allowing employees to take paid leave one day at a time or consecutively
 4. No additional conditions or restrictions for employees to use paid leave

When can I submit an equivalent plan application? Employers can submit applications starting in September 2022. We anticipate the review process will take at least 30 days.

How much will the initial application cost?

The application fee for a new equivalent plan is \$250.

What are the types of equivalent plans an employer may provide?

-  Employer-administered equivalent plan – the employer assumes all financial risk associated with the benefits and administration of the equivalent plan, whether the plan is administered by the employer or a third-party administrator.
-  Fully insured equivalent plan – the employer purchases an insurance policy from an insurance company, and the benefits related to the plan are administered through the insurance policy.

Can an employer provide an equivalent plan for some, but not all, employees?

No, an employer must provide coverage under the equivalent plan for all employees under the employer's business identification number (BIN).

Will employers have to renew approval for their equivalent plans?

Yes. Employers will have to reapply for approval annually, only for the first three years. After three years, employers will no longer have to re-apply for approval and their equivalent plans will remain in place until withdrawn or terminated.

Learn More.



Visit oregon.gov/employ/pfml and subscribe to [email updates](#).



Email us at paidleave@oregon.gov.



Call us at 503-370-5800.



Equivalent Plans Checklist

Use this checklist to prepare for an equivalent plan application for Paid Leave Oregon. Information: paidleave.oregon.gov

Important dates to note

- | | |
|----------------------|--|
| Sept. 6, 2022 | Equivalent plan applications are available and can be submitted |
| Jan. 1, 2023 | Employees and employers will begin paying into Paid Leave Oregon |
| Sept. 3, 2023 | Employees can start applying for benefits |
- Starting September 2022, employers can:
- Access applications online through their Frances Online account
 - Download and print an application (to submit by mail) from the [Paid Leave website](#); or request by phone: 833-854-0166.

Get Ready

Your paid leave plan must meet Paid Leave Oregon's requirements:

- ☐ Cover all Oregon employees (including full-time, part-time, permanent, or temporary) employed with the business for at least 30 days
- ☐ Provide 12 weeks paid **family, medical, and safe** leave annually, and add two weeks for pregnancy and childbirth-related conditions
- ☐ Issue first benefit payment within two weeks of receiving an employee's claim or their first day of leave
- ☐ Do not require employees to contribute more than 60% of the total contribution rate
- ☐ Provide cost breakdown for employee contributions
- ☐ Allow employees to take leave daily or weekly

- ☐ Provide job protection rights to the employee (if they've been employed for 90 days)
- ☐ Inform your employees about your equivalent plan
- ☐ Do not put any conditions or restrictions on the use of family, medical, or safe leave beyond those allowed in Paid Leave rules

Equivalent plan applications will be available in September 2022.

Here's what you will need to apply:

- ☐ Business Identification Number and Federal Employer Identification Number
- ☐ Employer name, address, and contact information
- ☐ A copy of one the following:
 - Employer-administered equivalent plan or,
 - Insurance policy with the insurance product and chosen options
- ☐ For employer-administered plans only, proof of solvency by providing either:
 - Proof of sufficient assets
 - A bond or an irrevocable letter of credit with the Oregon Employment Department named as the payee or beneficiary, issued by an insured institution
- ☐ For fully insured plans only, information about the insurance policy and carrier, including:
 - Business and contact information for the insurance carrier
 - The date the policy begins and ends
- ☐ \$250 application fee

Program Comparison

- Paid Leave Oregon
- [Oregon Family Leave Act \(OFLA\)](#)
- [Family and Medical Leave Act \(FMLA\)](#)
- [Oregon Sick Leave](#)

Paid Leave Oregon and the Oregon Bureau of Labor & Industries created this chart as a general program comparison. It is not intended to provide legal or financial advice and does not cover all possible exceptions. Each program has different qualifications and factors that determine eligibility.

Contact each agency directly to determine eligibility for their programs.

ELIGIBILITY REQUIREMENTS	Paid Leave Oregon	OFLA	FMLA	Oregon Sick Leave
Covered Employers	All employers except federal or tribal governments	Employers with 25 or more employees	Employers with 50 or more employees and all public employers	All employees are eligible for protected unpaid time
Wages required to be eligible for leave	\$1,000 in wages the previous year	n/a	n/a	n/a
Required time worked for employer before taking leave and before job protection applies	No work time requirement for Paid Leave benefits, but must have worked 90 days to have job protection	180 days	12 months	90 days
Required hours worked for employer to be eligible for leave	n/a	25 hrs/week in past 180 days. <i>Does not apply to parental leave</i>	1,250 hours in previous 12 months	1 sick time hour earned for every 30 hours worked
Geographic requirement	n/a	n/a	Location with 50 employees within 75 miles	n/a
Eligibility requirement				
Not a requirement				

QUALIFYING PURPOSES	Paid Leave Oregon	OFLA	FMLA	Oregon Sick Leave
Family Leave				
Birth, adoption or foster placement	Yes	Yes	Yes	Yes
Family member's serious health condition <i>(family member definitions vary)</i>	Yes	Yes	Yes	Yes
Medical Leave				
Individual's own serious health condition	Yes	Yes	Yes	Yes
Safe Leave				
Domestic violence, sexual assault, harassment or stalking	Yes	No <i>Serious health condition and reasonable safety accommodations under ORS 659A may include leave.</i>	No	Yes
Other Leave Types				
Extended leave for a pregnancy* <i>*In addition to leave for serious health condition</i>	Yes	Yes	No	No
Sick child leave	No	Yes	No	Yes
Military family leave	No	Yes	Yes	No
Bereavement leave	No	Yes	No	Yes
Public health emergency	No	Yes Active Public Health Emergency allows for sick child leave for school/child care closures	No	Yes
Covered				
Not Covered				

LEAVE DURATION AND BENEFIT PAYMENTS	Paid Leave Oregon	OFLA	FMLA	Oregon Sick Leave
Leave duration (most cases)	12 weeks in a one-year period	12 weeks in a one-year period	12 weeks in a one-year period	40 hours in a one-year period
Maximum leave duration (for certain combinations of leave types)	14 weeks in a one-year period	36 weeks in a one-year period	26 weeks in a one-year period	Employers may cap use at 40 hours per year
Payment	Paid Leave	Unpaid Leave	Unpaid Leave	Paid Leave for employers with 10 or more employees (6 or more in Portland)
Benefit amount	Varies based on employee's average weekly wage. Up to 100% for lower-income workers.	n/a	n/a	100% of regular wages



What you need to know

Starting in September 2023, Paid Leave Oregon will serve most employees in Oregon by providing paid leave for the birth or adoption of a child, your or a loved one's serious illness or if you experience sexual assault, domestic violence, harassment, or stalking.

What benefits are provided through Paid Leave Oregon and who is eligible?

Employees in Oregon that have earned at least \$1,000 in the prior year may qualify for up to 12 weeks of paid family, medical or safe leave in a benefit year. While on leave, Paid Leave Oregon pays employees a percentage of their wages. Benefit amounts depend on what an employee earned in the prior year.

Who pays for Paid Leave Oregon?

Starting on January 1, 2023, employees and employers contribute to Paid Leave Oregon through payroll taxes. Contributions are calculated as a percentage of wages and your employer will deduct your portion of the contribution rate from your paycheck.

When do I need to tell my employer about taking leave?

If your leave is foreseeable, you are required to give notice to your employer at least 30 days before starting paid family, medical or safe leave. If you do not give the required notice, Paid Leave Oregon may reduce your first weekly benefit by 25%.

How do I apply for Paid Leave?

In September 2023, you can apply for leave with Paid Leave Oregon online at **paidleave.oregon.gov** or request a paper application from the department. If your application is denied, you can appeal the decision with the Oregon Employment Department.

What are my rights?

If you are eligible for paid leave, your employer cannot prevent you from taking it. Your job is protected while you take paid leave if you have worked for your employer for at least 90 consecutive calendar days. You will not lose your pension rights while on leave and your employer must keep giving you the same health benefits as when you are working.

How is my information protected?

Any health information related to family, medical or safe leave that you choose to share with your employer is confidential and can only be released with your permission, unless the release is required by law.

What if I have questions about my rights?

It is unlawful for your employer to discriminate or retaliate against you because you asked about or claimed paid leave benefits. If your employer is not following the law, you have the right to bring a civil suit in court or to file a complaint with the Oregon Bureau of Labor & Industries (BOLI). You can file a complaint with BOLI online, via phone or email:

Web: www.oregon.gov/boli

Call: 971-245-3844

Email: help@boli.oregon.gov

Learn more about Paid Leave Oregon

Web: paidleave.oregon.gov

Call: 833-854-0166

Email: paidleave@oregon.gov

Oregon Paid Family and Medical Leave

Frequently Asked Questions



What is Paid Family and Medical Leave Insurance (PFMLI)?

It allows an eligible employee to take time away from work to:

- bond with a child during the first year after birth, adoption, or foster care placement.
- care for a family member who has a serious health condition.
- take medical leave for an employee's own serious health condition.
- take safe leave for an employee experiencing issues related to domestic violence, harassment, sexual assault, or stalking.

The medical conditions covered are similar to what is covered by the Oregon Family Leave Act (OFLA), but there are some differences.

Who is covered?

Employees who earned \$1,000 or more in the year prior to claiming their benefit are eligible. Independent contractors, employees of tribal governments, and federal government employees are not covered. People who are self-employed and tribal governments may opt into the program.

What are the benefits?

Eligible employees will receive a weekly benefit payment. The amount of the benefit payment will depend on the employee's average weekly wage, and can be up to 100 percent of their wage.

How much time can be taken?

Eligible employees may take up to 12 weeks in a benefit year to care for themselves or a family

member, and up to two additional weeks for pregnancy, childbirth, or related circumstances. In some situations, up to 18 weeks may be taken in a benefit year, though four of those weeks may be unpaid.

How is PFMLI funded?

Through a payroll based contribution, of no more than one percent, shared by employers and employees.

- The contribution rate will be set annually by the Employment Department, and will be determined once program costs are estimated.
- Employees will contribute 60 percent and employers will contribute 40 percent of the required contribution. The employee's portion is withheld from their pay, similar to income tax withholding. Employers have the option to pay some or all of their employees' portion as a benefit.

How does Paid Family and Medical Leave Insurance work with other leave?

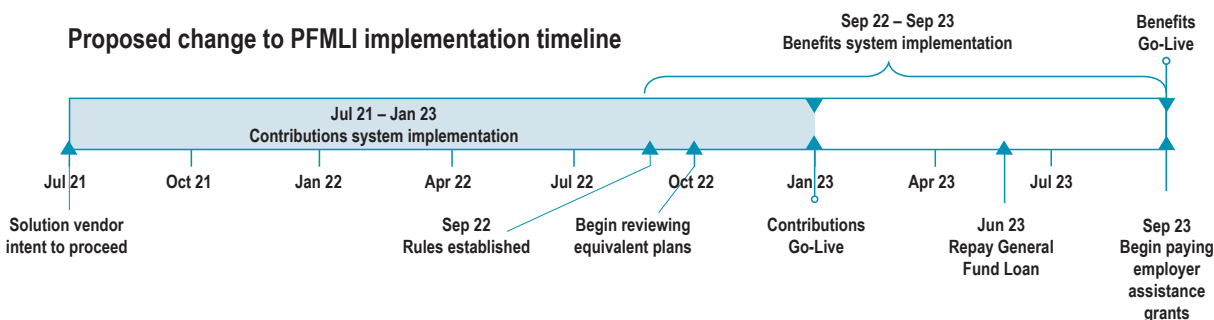
Family and medical leave runs concurrently with Oregon Family Leave Act (OFLA) and Family Medical Leave Act (FMLA) leave.

- PFMLI is separate from vacation, most paid sick leave, and other paid leave.
- Employers may allow concurrent use of other paid leave for benefits to equal 100 percent of an employee's normal wages.
- Employees may not receive PFMLI benefits while receiving workers compensation or Unemployment Insurance benefits.

Is my job protected while I take leave?

After taking family or medical leave, an employee has the right to return to their prior job, similar to OFLA protections.

- The employee must have worked for their employer for 90 days to have these rights.
- Employers with fewer than 25 employees do have more flexibility with reinstatement if the employee's position no longer exists.
- The employee will not lose seniority or other benefits such as pension while on leave. Healthcare benefits, if provided, must continue while on leave.



When do payroll contributions begin?

Family and medical leave contributions are currently expected to begin January 1, 2023.

When can I start receiving benefits?

Family and medical leave benefits are currently expected to begin September 3, 2023, nine months after payroll contributions begin.

What if I am self-employed or a tribal government?

Tribal governments and those who are self-employed are not required to participate in the PFMLI program. You may choose to opt into the program, though. More information about how to opt in will come later in the program's development.

What if I'm a small employer with fewer than 25 employees?

Employers with fewer than 25 employees are not required to pay the 40 percent employer contribution. However, if an employer does pay the 40 percent employer contribution, they are eligible to receive assistance grants.

Each calendar year, if an employee takes family and medical leave, a small employer who pays their share of contributions may apply for one grant per employee, up to a maximum of 10 grants per year. These grants cover:

- up to \$3,000 towards the cost of hiring temporary workers to replace employees on leave.
- up to \$1,000 to reimburse for significant additional wage-related costs incurred while an employee is on leave.

As an employer, what if we offer an equivalent family and medical leave program?

Employers are required to participate unless the employer has an approved equivalent plan. If it has such a plan, they and their employees will not pay into, nor receive benefits from the State's program, but instead get benefits from the employers plan.

- Equivalent plans must be approved by the Employment Department.
- Employers are permitted, but not required, to deduct from employees' pay money to fund their equivalent program. The amount cannot exceed what employees would pay into the State's family and medical leave program and must be used only for plan expenses.
- Employers must apply for re-approval annually for three years after initial approval, or if the plan changes.
- Upon review by the State, if an employer does not provide family and medical leave plan benefits that are at least equal to those under the State's plan, the State may terminate approval of their plan.

When will the State know more about the implementation of the Paid Family and Medical Leave Insurance program?

Initiation and implementation planning has begun. More details will be clear over the coming months and these FAQs will be updated periodically. Check our web page at: www.Oregon.gov/Employ/PFMLI/Pages/default.aspx



The Oregon Employment Department is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Language assistance is available to persons with limited English proficiency at no cost.

El Departamento de Empleo de Oregon es un programa que respeta la igualdad de oportunidades. Disponemos de servicios o ayudas auxiliares, formatos alternos y asistencia de idiomas para personas con discapacidades o conocimiento limitado del inglés, a pedido y sin costo.

Crook County

Effective September 1, 2023

Oregon Paid Family and Medical Leave - State vs Private Carriers

	State Plan	Standard	Principal	MetLife	Mutual of Omaha
Monthly Volume	\$1,204,047.44	\$1,204,047.44	\$1,204,047.44	\$1,204,047.44	\$1,204,047.44
Annual Volume	\$14,448,569.24	\$14,448,569.24	\$14,448,569.24	\$14,448,569.24	\$14,448,569.24
Payroll Rate	1.00%	1.64%	1.21%	0.87%	1.48%
Estimated Cost Monthly	\$12,040	\$19,746	\$14,569	\$10,475	\$17,820
Estimated Cost Annually	\$144,486	\$236,957	\$174,828	\$125,703	\$213,839
Employer Rate	0.40%	1.04%	0.61%	0.27%	0.88%
Employer Cost Monthly	\$4,816.19	\$12,522.09	\$7,344.69	\$3,250.93	\$10,595.62
Employer Cost Annually	\$57,794.28	\$150,265.12	\$88,136.27	\$39,011.14	\$127,147.41
Employee Rate	0.60%	0.60%	0.60%	0.60%	0.60%
Employee Cost Monthly	\$7,224.28	\$7,224.28	\$7,224.28	\$7,224.28	\$7,224.28
Employee Cost Annually	\$86,691.42	\$86,691.42	\$86,691.42	\$86,691.42	\$86,691.42
Analysis Employer					
2023 Estimated Cost	\$57,794.28	\$50,088.37	\$29,378.76	\$13,003.71	\$42,382.47
% difference		-13.33%	-49.17%	-77.50%	-26.67%
2024 Estimated Cost	\$57,794.28	\$150,265.12	\$88,136.27	\$39,011.14	\$127,147.41
% difference		160.00%	52.50%	-32.50%	120.00%
Total Cost for First 2 Years	\$115,588.55	\$200,353.49	\$117,515.03	\$52,014.85	\$169,529.88
% difference		73.33%	1.67%	-55.00%	46.67%
Analysis Employee					
2023 Estimated Cost	\$86,691.42	\$28,897.14	\$28,897.14	\$28,897.14	\$28,897.14
% difference		-66.67%	-66.67%	-66.67%	-66.67%
2024 Estimated Cost	\$86,691.42	\$86,691.42	\$86,691.42	\$86,691.42	\$86,691.42
% difference		0.00%	0.00%	0.00%	0.00%
Total Cost for First 2 Years	\$173,382.83	\$115,587.89	\$115,587.89	\$115,587.89	\$115,587.89
% difference		-33.33%	-33.33%	-33.33%	-33.33%



Crook County

Mailing: 300 NE 3rd Street • Prineville, Oregon 97754
 Physical: 203 NE Court Street • Prineville, Oregon 97754
 Phone (541) 447-6555

October 25, 2022

Oregon Transportation Commission
 355 Capitol St NE, MS #11
 Salem, Oregon – 977301-3872

ATTN: Mr. Bob Van Broklin - Chairmen

Mr. Broklin,

As you may or may not know, in the past 2 weeks Highway 126 has had 2 major accidents. One had a fatality and injuries. The piece of Highway 126 that I am referring to is from the Powell Butte Road intersection to the City of Prineville, in Crook County.

This stretch of highway has had numerous accidents over the past several years resulting in fatalities and injuries. I and my colleges at Crook County have approached the local ODOT offices about the issues surrounding the hazards on Hwy 126. We have had ODOT personnel listen and are concerned about the issues, but nothing seems to be happening. Nothing is seen on the STIP to address problems in this area.

I am writing to you to hopefully get some attention on this piece of Highway 126. We know that there many pressing issues on our highway system that need to be addressed and this is just another one of them. But your added attention to this issue would be greatly appreciated.

If you have any questions, please feel free to give me a call at 541-447-6555

Seth Crawford
 County Judge

Jerry Brummer
 County Commissioner

Brian Barney
 County Commissioner

Cc: Senator Lynn Findley
 Representative Vikki Breese-Iverson
 Steve Forrester – City of Prineville