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Client Alert

Oregon Mid-Year Legislative Updates

CHANGES TO OREGON FAMILY LEAVE ACT (OFLA)

WHAT'S NEW: Effective **July 1, 2024**, the OFLA will be updated in order to clarify previous overlap with Paid Leave Oregon (PLO).

WHAT IT MEANS:

- The OFLA has now clarified that employees taking leave for their own serious health condition or parental leave should take such leave under PLO.
- Employees may continue to use OFLA to care for a sick child, to provide home care or if the school or childcare provider has been closed due to a public health emergency.
- Employees may also continue to use OFLA for pregnancy disability leave but will no longer need to notify their employers before taking pregnancy disability leave. If notice is not provided, the employee must give oral notice to the employer within 24 hours of starting the leave, and they must provide written notice explaining their need for the leave within 3 days after the employee returns to work.
- Employees may now take leave for bereavement for up to 4 weeks per year with a maximum of 2 weeks per family member.
- From July 1, 2024, to December 31, 2024, OFLA will provide 2 weeks of leave for fostering or adoption. Thereafter, leaves for fostering and adoption will be covered by the PLO.

CHANGES TO PAID LEAVE OREGON (PLO)

WHAT'S NEW: Effective **July 1, 2024**, PLO will be amended to allow for employees to use all OFLA and PLO leave potentially available in a year, but to allow employers to cap the total wage replacement benefits available to employees to 100%.

WHAT IT MEANS:

- Employees may now take advantage of all the leave allotted to them under OFLA and PLO without being capped. Previously employees were capped at a total of 16 weeks (or 18 weeks if pregnancy disability was involved). Employees may now take up to a total of 38 weeks of leave using both OFLA and PLO.
- Employers may now cap an employee's use of paid benefits while on PLO leave so that the employee's wage replacement benefits do not exceed 100% of their normal wages.
- Starting January 1, 2025, PLO will provide 2 weeks of leave for fostering or adoption, in lieu of the OFLA.

WHAT EMPLOYERS SHOULD DO: Oregon employers should notify their employees about the changes to the OFLA and PLO, train the appropriate levels of management and ensure that their employee handbooks and leave policies align with the changes made.

UPDATE TO DOMESTIC VIOLENCE LEAVE LAW

WHAT'S NEW: Oregon has added victims of bias crimes to be eligible for protected leave. Victims of bias crimes may also be entitled to a "reasonable safety accommodation" from employers under its domestic violence leave law.

WHAT IT MEANS:

- Employees who are victims of a bias crime may take unpaid leave to receive legal or law enforcement assistance, medical treatment, counseling, services from a victim services provider, relocate or to begin the process of relocating. Employees may, however, use any paid accrued vacation, sick leave, or other paid leave, if available.
- A "reasonable safety accommodation" includes, but is not limited to, a transfer, reassignment, modified schedule, use of available paid leave from employment, unpaid leave from employment, changed work telephone number, changed workstation, installed lock, implemented safety procedure or any other adjustment to a job structure, workplace facility, or work requirement.

WHAT EMPLOYERS SHOULD DO: Oregon employers should ensure that their leave of absence policies include victims of bias crimes.

Please reach out to your Engage HR Partner if you have any questions about this alert or other H.R.-related matters.