

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass
Vote:	6 - 0 - 1
Yeas:	Berger, Esquivel, Holvey, Rosenbaum, Smith P., Schaufler
Nays:	0
Exc.:	Edwards C.
Prepared By:	Theresa Van Winkle, Administrator
Meeting Dates:	2/12, 2/22

WHAT THE MEASURE DOES: Excludes leave taken by an employee who is unable to work because of a disabling compensable injury from the definition of “family leave” in Workers’ Compensation Law. Establishes that a covered employer may not reduce the amount of an employee’s available family leave when the employee is unable to work because of a disabling compensable injury.

ISSUES DISCUSSED:

- Intent of the Oregon Family Leave Act
- Purpose of Workers’ Compensation Law
- Impact of the measure on businesses
- Unfairness to employees who have to take family leave due to injuries which occur outside the workplace

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Under the Oregon Family Leave Act (OFLA), workers are entitled to a maximum period of twelve weeks of family leave within any one-year period. The Act outlines the purposes for which family leave can be taken, such as caring for a newborn child, tending to a family member with a serious health condition, and recovering from a serious health condition that renders the worker unable to perform at least one of the essential functions of the worker’s regular position.

Currently, Oregon law does not have any provisions regarding whether an employer can or cannot use family leave time to cover a job related injury that is covered under workers’ compensation law. HB 2460 clarifies that family leave cannot be applied to an employee who cannot work due to a “disabling compensable injury” as stated on an accepted workers’ compensation claim.