

# House Bill 2028

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Revenue)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows rural critical access hospital to temporarily recall registered nurse from family leave during urgent medical staffing shortage.

## A BILL FOR AN ACT

1  
2 Relating to registered nurses on family leave from rural critical access hospitals; amending ORS  
3 659A.162.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 659A.162 is amended to read:

6 659A.162. (1) Except as specifically provided by ORS 659A.150 to 659A.186, an eligible employee  
7 is entitled to up to 12 weeks of family leave within any one-year period.

8 (2)(a) In addition to the 12 weeks of leave authorized by subsection (1) of this section, a female  
9 employee may take a total of 12 weeks of leave within any one-year period for an illness, injury or  
10 condition related to pregnancy or childbirth that disables the employee from performing any avail-  
11 able job duties offered by the employer.

12 (b) An employee who takes 12 weeks of family leave within a one-year period for the purpose  
13 specified in ORS 659A.159 (1)(a) may take up to an additional 12 weeks of leave within the one-year  
14 period for the purpose specified in ORS 659A.159 (1)(d).

15 (3) When two family members work for the same covered employer, the employees may not take  
16 concurrent family leave unless:

17 (a) One employee needs to care for the other employee who is suffering from a serious health  
18 condition; or

19 (b) One employee needs to care for a child who has a serious health condition while the other  
20 employee is also suffering a serious health condition.

21 (4) An employee may take family leave for the purposes specified in ORS 659A.159 (1)(a) in two  
22 or more nonconsecutive periods of leave only with the approval of the employer.

23 (5) Leave need not be provided to an eligible employee by a covered employer for the purpose  
24 specified in ORS 659A.159 (1)(d) if another family member is available to care for the child.

25 **(6) Notwithstanding any other provision of ORS 659A.150 to 659A.186, a covered employer**  
26 **that is a rural critical access hospital, as defined in ORS 315.613, may temporarily recall an**  
27 **employee who is a registered nurse taking family leave for a purpose specified in ORS**  
28 **659A.159 (1)(a), (b) or (d) to work during an urgent medical staffing shortage if the employee**  
29 **has the training and experience necessary to provide the urgent services needed by the em-**  
30 **ployer. Only the employer's administrator or the administrator's designee may recall the**  
31 **employee from family leave under this subsection. The employer may not extend a recall**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **beyond the end of the urgent medical staffing shortage and may not recall an employee from**  
2 **family leave under this subsection to manage nonurgent staffing shortages.**

3       ~~[(6)]~~ (7) The Commissioner of the Bureau of Labor and Industries shall adopt rules governing  
4 when family leave for a serious health condition of an employee or a family member of the employee  
5 may be taken intermittently or by working a reduced workweek. Rules adopted by the commissioner  
6 under this subsection shall allow taking of family leave on an intermittent basis or by use of a re-  
7 duced workweek to the extent permitted by federal law and to the extent that taking family leave  
8 on an intermittent basis or by use of a reduced workweek will not result in the loss of an employee's  
9 exempt status under the federal Fair Labor Standards Act.

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