

HOUSE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2575

By JOINT COMMITTEE ON WAYS AND MEANS

June 25

- 1 On page 1 of the printed A-engrossed bill, line 3, before “and” insert “limiting expenditures;”.
- 2 Delete line 25.
- 3 On page 2, delete line 1.
- 4 In line 9, after “659A.159” insert “(1)(a), (b) or (c)”.
- 5 After line 11, insert:
- 6 “(f) ‘Paid family leave’ includes family leave with pay from the employer and family leave during
- 7 which the employee uses any other type of paid leave, such as paid vacation leave or paid sick
- 8 leave.”.
- 9 In line 12, delete “(f)” and insert “(g)” and delete “(9)” and insert “(8)”.
- 10 In line 14, delete “(g)” and insert “(h)”.
- 11 In line 17, delete “(h)” and insert “(i)”.
- 12 Delete lines 40 through 45.
- 13 On page 3, delete lines 1 through 6.
- 14 In line 7, delete “(5)(a)” and insert “(4)(a)”.
- 15 Delete lines 17 through 30 and insert:
- 16 “(B) Family leave benefits are payable only in weekly amounts for one or more full weeks of
- 17 family leave taken by an employee. The minimum period of family leave for which benefits may be
- 18 paid is one week. The bureau may not pay a claim for benefits for a period of family leave of less
- 19 than one week.”.
- 20 In line 31, delete “(e)” and insert “(d)”.
- 21 In line 36, delete “(6)(a)” and insert “(5)(a)”.
- 22 In line 38, after “(b)” insert “An employee is not eligible for benefits under this section for any
- 23 week for which the employee receives paid family leave or temporary disability benefits, or for any
- 24 week for which compensation is payable to the employee under ORS chapter 656 or under other
- 25 federal or state workers’ compensation programs.”.
- 26 After line 41, insert:
- 27 “(c) The eligibility of an employee for benefits is not affected by a strike or lockout at the fac-
- 28 tory, establishment or other premises at which the employee is or was last employed.”.
- 29 In line 42, delete “(c)” and insert “(d)”.
- 30 In line 43, delete “accrued,” and insert “, accrued”.
- 31 On page 4, line 3, delete “(d)” and insert “(e)”.
- 32 In line 6, delete “(e)” and insert “(f)”.
- 33 In line 10, delete “(7)(a)” and insert “(6)(a)”.
- 34 In line 27, delete “(8)(a)” and insert “(7)(a)”.
- 35 In line 43, delete “(9)” and insert “(8)”.

1 In line 45, delete “(7)(a)” and insert “(6)(a)”.
2 On page 5, line 3, delete “(10)” and insert “(9)”.
3 In line 8, delete “(11)” and insert “(10)”.
4 In line 13, delete “(12)(a)” and insert “(11)(a)”.
5 In line 17, delete “(13)” and insert “(12)”.
6 In line 20, delete “(14)” and insert “(13)”.
7 In line 25, delete “(15)” and insert “(14)”.

8 After line 29, insert:

9 **“SECTION 3a. (1) An employee is disqualified from family leave benefits under section 3**
10 **of this 2007 Act if the employee:**

11 **“(a) Willfully makes a false statement or misrepresentation regarding a material fact,**
12 **or willfully fails to disclose a material fact, to obtain benefits;**

13 **“(b) Seeks benefits based on an intentionally self-inflicted serious health condition, as**
14 **defined in ORS 659A.150; or**

15 **“(c) Seeks benefits based on a serious health condition, as defined in ORS 659A.150, that**
16 **resulted from the employee’s commission of a felony.**

17 **“(2) A disqualification for benefits under subsection (1) of this section is for a period of**
18 **two years, and commences on the first day of the calendar week in which the employee filed**
19 **an application for benefits under section 3 of this 2007 Act. Any employee who is disqualified**
20 **for benefits under subsection (1) of this section is also liable to the Bureau of Labor and**
21 **Industries for a penalty in an amount equal to 15 percent of the amount of benefits received**
22 **by the employee.**

23 **“(3) If an employee receives any benefits under section 3 of this 2007 Act to which the**
24 **employee is not entitled:**

25 **“(a) The employee is liable to the bureau for the amount of benefits received; and**

26 **“(b) The amount of benefits received may be deducted by the bureau from any future**
27 **benefits otherwise payable to the employee under section 3 of this 2007 Act.**

28 **“(4) If the bureau decides that an employee has been paid benefits to which the employee**
29 **is not entitled because of an error, and that the employee is not subject to disqualification**
30 **under subsection (1) of this section, the amounts received in error may be recovered by the**
31 **bureau only by deductions from benefits otherwise payable to the employee under section 3**
32 **of this 2007 Act during the 52 weeks following the date on which the order establishing the**
33 **amount of the erroneous payment becomes final. If amounts determined to be recoverable**
34 **have not been paid within that time, the liability shall be canceled by the bureau and charged**
35 **against the Family Leave Benefits Insurance Account established under section 4 of this 2007**
36 **Act.**

37 **“(5) Except as provided in subsection (4) of this section, if benefits determined to be re-**
38 **coverable under this section have not been paid within three years after the date that the**
39 **order of the bureau establishing the liability of the employee becomes final, and no payments**
40 **have been received on the liability for at least three months, the liability shall be canceled**
41 **by the bureau and charged against the Family Leave Benefits Insurance Account.**

42 **“(6) Any amount due under this section may be collected by the bureau in a civil action**
43 **against the employee brought in the name of the bureau.**

44 **“(7) Interest on any benefits recoverable under this section shall be paid and collected**
45 **at the same time repayment of benefits is made by the employee. Interest on an amount**

1 recoverable under this section accrues at the rate specified in ORS 82.010, beginning on the
2 first day of the month following 60 days after entry of the order establishing the amount of
3 the overpayment.

4 **“(8) Any amount collected under this section by the bureau shall be paid into the Family
5 Leave Benefits Insurance Account.”.**

6 Delete line 34 and insert “to the Bureau of Labor and Industries for the purposes authorized
7 by sections 3 and 3a of this 2007 Act.”.

8 On page 7, after line 1, insert:

9 **“SECTION 11. Notwithstanding any other law limiting expenditures, the amount of
10 \$2,604,298 is established for the biennium beginning July 1, 2007, as the maximum limit for
11 payment of expenses incurred by the Bureau of Labor and Industries in implementing
12 sections 1 to 5 of this 2007 Act from fees, moneys or other revenues, including Miscellaneous
13 Receipts, but excluding lottery funds and federal funds, deposited in the Family Leave Ben-
14 efits Insurance Account.**

15 **“SECTION 12. Notwithstanding any other law limiting expenditures, the limitation on
16 expenditures established by section 5, chapter 388, Oregon Laws 2007 (Enrolled House Bill
17 5041), for the biennium beginning July 1, 2007, as the maximum limit for payment of expenses
18 from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery
19 funds and federal funds, collected or received by the Department of Revenue, is increased
20 by \$345,292 for the purpose of carrying out the provisions of sections 1 to 5 of this 2007
21 Act.”.**

22 In line 2, delete “11” and insert “13”.
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