

**REVENUE: No revenue impact**

**FISCAL: Minimal fiscal impact, no statement issued**

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	6 - 4 - 0
<b>Yeas:</b>	Barton, Edwards C., Holvey, Matthews, Witt, Schaufler
<b>Nays:</b>	Cameron, Esquivel, Kennemer, Thatcher
<b>Exc.:</b>	0
<b>Prepared By:</b>	Kevin T. Christiansen, Administrator
<b>Meeting Dates:</b>	<i>Subcommittee 3/5, 3/12, 4/2; Full Committee 4/22</i>

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**WHAT THE MEASURE DOES:** Prohibits an employer from requiring an employee to use accrued vacation leave, or any other paid leave offered by the employer in lieu of vacation leave, when taking family leave. Provides that an employer may determine the order in which accrued leave is to be used in circumstances where more than one type of accrued leave is available to the employee, subject to a collective bargaining agreement, an agreement between the employer and employee, or the above prohibition against requiring an employee to use accrued vacation leave when taking family leave. Requires an employer to provide the employee the employer's policy for taking family leave and the use of accrued vacation leave during a period family leave. Requires the employee to communicate with the employer, within a reasonable period of time prior to taking family leave, the employee's intention to use accrued vacation in conjunction with family leave. Requires employee to comply with all existing notice requirements related to taking family leave.

**ISSUES DISCUSSED:**

- Potential differences between state and federal law regarding family leave
- Compliance issues related to state and federal law differences
- Current practices by employers related to family leave
- Prior legislative reforms associated with family leave

**EFFECT OF COMMITTEE AMENDMENT:** Requires an employer to provide an employee with the employer's policies regarding the procedures for taking family leave and the use of accrued vacation leave during a period of family leave. Provides that an employee shall communicate to the employer, within a reasonable time prior to taking family leave, the intention of the employee to use accrued vacation in conjunction with family leave. Requires the employee to comply with family leave notice requirements in ORS 659A.165 and any other applicable statute.

**BACKGROUND:** State law provides that eligible employees of a covered employer may take up to 12 weeks of family leave within a one year period. ORS 659A.159 provides that family leave may be taken to care for an infant or newly adopted child under 18; care for a family member with a serious health condition; to recover from or seek treatment for a serious health condition that prevents the employee from performing at least one of the essential functions of the employee's regular position; or care for a child of an employee that is suffering from an illness or injury that is not serious but requires home care.