

**A-Engrossed**  
**House Bill 2821**

Ordered by the House April 29  
Including House Amendments dated April 29

Sponsored by Representative WITT; Representatives BARNHART, DEMBROW, GREENLICK, HOLVEY, KOMP, KOTEK, RILEY, SCHAUFLEER, SHIELDS, Senators MORRISETTE, ROSENBAUM

**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.

Prohibits covered employer from requiring eligible employee to use accrued vacation leave when taking family leave.

**Requires covered employer to provide eligible employee with policy regarding procedures for taking family leave and for use of accrued vacation leave during period of family leave.**

**Requires eligible employee to communicate to covered employer intent to use accrued vacation leave in conjunction with family leave. Creates exception.**

**A BILL FOR AN ACT**

1  
2 Relating to use of vacation leave during period of family leave; amending ORS 659A.174.

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

4 **SECTION 1.** ORS 659A.174 is amended to read:

5 659A.174. (1) Except as provided in subsection (2) of this section, and unless otherwise provided  
6 by the terms of an agreement between the eligible employee and the covered employer, a collective  
7 bargaining agreement or an employer policy, family leave is not required to be granted with pay.

8 (2)(a) An employee taking family leave is entitled to use any paid accrued sick leave or any paid  
9 accrued vacation leave during the period of family leave, or to use any other paid leave that is of-  
10 fered by the employer in lieu of vacation leave during the period of family leave.

11 **(b) A covered employer shall provide to eligible employees the employer's policy regarding**  
12 **procedures for taking family leave and for the use of accrued vacation leave during a period**  
13 **of family leave.**

14 **(c) Except when an eligible employee takes family leave as provided in ORS 659A.165 (2),**  
15 **the employee shall communicate to the covered employer within a reasonable time prior to**  
16 **taking family leave the intention of the employee to use accrued vacation leave in conjunc-**  
17 **tion with family leave, and the manner in which the employee intends to use accrued vaca-**  
18 **tion leave during the period of family leave.**

19 (3)(a) Subject to the terms of any agreement between the eligible employee and the covered  
20 employer or the terms of a collective bargaining agreement, [*the employer*] **a covered employer**  
21 **may not require an eligible employee to use accrued vacation leave or any other paid leave**  
22 **that is offered by the employer in lieu of vacation leave when taking leave authorized under**  
23 **ORS 659A.150 to 659A.186.**

24 **(b) Subject to the terms of any agreement between the eligible employee and the covered**  
25 **employer or the terms of a collective bargaining agreement and to the provisions of para-**

**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 **graph (a) of this subsection, a covered employer** may determine the particular order in which  
2 accrued leave is to be used in circumstances in which more than one type of accrued leave is  
3 available to the employee.

4 **(4) Subject to the terms of any agreement between the eligible employee and the covered**  
5 **employer or the terms of a collective bargaining agreement, an eligible employee who intends**  
6 **to use accrued vacation leave during a period of family leave and the covered employer shall**  
7 **comply with the notice requirements in ORS 659A.165 and any other applicable statutes.**

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