

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	9 - 1 - 0
Yeas:	Barton, Fagan, Holvey, Kennemer, Matthews, Thompson, Weidner, Witt, Doherty
Nays:	Thatcher
Exc.:	0
Prepared By:	Jan Nordlund, Administrator
Meeting Dates:	3/15, 4/8

WHAT THE MEASURE DOES: Allows eligible employees to take family leave of up to two weeks to deal with death of family member. Requires leave be counted toward 12 weeks of authorized family leave.

ISSUES DISCUSSED:

- Protected leave ends when family member dies
- Job performance when dealing with a death in the family
- Collective bargaining agreements can address bereavement leave
- Family leave in Oregon compared to other states
- Whether protected leave for attend counseling should be included

EFFECT OF COMMITTEE AMENDMENT: Deletes proposed leave for purpose of receiving counseling or other medical treatment to cope with a death in the family. Deletes proposed changes regarding medical verification and scheduling of treatment. Deletes reference to leave being taken on an intermittent basis. Deletes proposed changes regarding leave for teachers.

BACKGROUND: The Oregon Family Leave Act (OFLA) allows eligible employees to take up to 12 weeks of unpaid leave per year to care for themselves or family members in cases of illness, injury, childbirth, or adoption. Women are allowed to take an additional 12 weeks of leave for pregnancy or childbirth disability leave. An employee who has taken 12 weeks of parental leave can take an additional 12 weeks to care for a child with a non-serious health condition. Under OFLA, “family member” includes the following: spouse; domestic partner; biological, adoptive or foster parent or child; grandparent or grandchild; parent-in-law; or person with whom the employee was or is in a relationship of in loco parentis.

To be eligible for parental leave, an employee must have worked at least 180 days for the employer. For all other types of family leave, the employee must have worked at least 180 days and for an average of at least 25 hours per week. Employers are subject to OFLA if they employ 25 or more persons in Oregon.

The federal Family and Medical Leave Act (FMLA) has different eligibility requirements. Employers are subject if they employ 50 or more persons. Eligible employees must have worked 1,250 hours during the 12 months prior to the start of leave and must have worked for the employer for 12 months. The work location must be where the employer has 50 or more employees within 75 miles. Under FMLA, “family” does not include siblings or in-laws.

House Bill 2950-A allows an employee eligible for OFLA to take up to two weeks of unpaid leave to attend the service for a deceased family member, to make arrangements for a deceased family member, or to grieve the death of a family member. Leave must be completed within three months after the death or discovery of death of the family member, and the leave is counted toward the 12 week limit.

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This summary has not been adopted or officially endorsed by action of the committee.