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February 6, 2015

Testimony in Support of HB 2600: OFLA and Medical Coverage
Submitted by Andrea Paluso, Family Forward

Thank you for the opportunity to provide testimony in support of HB 2600. **Family Forward supports ensuring that no employee covered by the Oregon Family Leave Act (OFLA) will face a loss of health insurance while they are on protected medical leave.** We see this as a technical fix in Oregon's law and it is a provision that is already included in the federal Family and Medical Leave Act (FMLA) (29 C.F.R. § 825.209).

Family Forward is an organization committed to advancing policies that support families and help them succeed, both in the workplace and at home. Our mission is to create a family-forward Oregon where all families can be economically secure and have the time it takes for work and family responsibilities. Today, too many families are forced to sacrifice one or the other. Family Forward supports policies, like OFLA, that make economic stability and work-life balance more achievable for Oregon families.

Oregon has always been a leader nationally on family and medical leave. In 1987 we were one of the first states to enact parent leave. In 1989, pregnancy disability leave was added to parental leave and in 1991 Oregon enacted the Family Medical Leave Act. Oregon's leave laws were considered as a model for FMLA, which was enacted in 1993. After FMLA was passed, Oregon repealed all of our previous leave laws to enact OFLA in 1995. In a number of areas, Oregon made a conscious decision to provide more protections than were found in the federal law, like including protections for sick child leave and covering more employers than FMLA.

The primary difference between OFLA and FMLA is the employer threshold size that they are applicable to: OFLA applies to employers of 25 or more employees whereas FMLA applies to employers of 50 or more. Employers of 50 or more employees are covered by both OFLA and FMLA. While both laws are very similar, there are some key differences between the two and generally OFLA has more protections for employees. In those instances an employer must apply the provision that is most protective to the employee.

There is one discrepancy, however, where FMLA provides a protection not found in OFLA: FMLA specifically prohibits an employer from dropping health insurance coverage (if provided by the employer) while an employee is out on protected leave whereas OFLA does not. **Arguably, the most important time for an employee to maintain their insurance coverage is when they are out on medical leave.**



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While the vast majority of employers probably don't discontinue health insurance while an employee is out on medical leave, it is important to include this protection in OFLA to ensure that no employee will face the dilemma of losing health insurance at the exact moment they need it the most.

We believe this is an oversight in OFLA and should be corrected.

This change will only be applicable to employers covered by OFLA, but not by FMLA – or to put more simply, employers of 25-49 employees.

Family Forward urges your support of HB 2600 to require that an employee's medical coverage cannot be discontinued while they are taking leave under OFLA.

US Code §825.209

29 [CFR](#) 825.209