

# House Bill 2600

Sponsored by Representatives SMITH WARNER, GREENLICK; Representatives BARNHART, DOHERTY, FAGAN, GALLEGOS, KENY-GUYER, LININGER, LIVELY, NATHANSON, REARDON, WILLIAMSON, WITT, Senator DEMBROW (Presession filed.)

## 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 **as introduced**.

Requires continuation of group health insurance coverage for employee on family leave on same terms as when employee is not on leave.

## A BILL FOR AN ACT

1  
2 Relating to provision of health insurance benefits during period of family leave; amending ORS  
3 659A.171.

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

5 **SECTION 1.** ORS 659A.171 is amended to read:

6 659A.171. (1) After returning to work after taking family leave under the provisions of ORS  
7 659A.150 to 659A.186, an eligible employee is entitled to be restored to the position of employment  
8 held by the employee when the leave commenced if that position still exists, without regard to  
9 whether the employer filled the position with a replacement worker during the period of family  
10 leave. If the position held by the employee at the time family leave commenced no longer exists, the  
11 employee is entitled to be restored to any available equivalent position with equivalent employment  
12 benefits, pay and other terms and conditions of employment. If an equivalent position is not avail-  
13 able at the job site of the employee's former position, the employee may be offered an equivalent  
14 position at a job site located within 20 miles of the job site of the employee's former position.

15 (2) Except for employee benefits used during the period of leave, the taking of family leave under  
16 ORS 659A.150 to 659A.186 shall not result in the loss of any employment benefit accrued before the  
17 date on which the leave commenced.

18 (3) This section does not entitle any employee to:

19 (a) Any accrual of seniority or employment benefits during a period of family leave; or

20 (b) Any right, benefit or position of employment other than the rights, benefits and position that  
21 the employee would have been entitled to had the employee not taken the family leave.

22 (4)(a) Before restoring an employee to a position under subsection (1) of this section, an em-  
23 ployer may require that the employee receive certification from the employee's health care provider  
24 that the employee is able to resume work. Certification under this subsection may only be required  
25 pursuant to a uniformly applied practice or policy of the employer.

26 (b) This subsection does not affect the ability of an employer to require an employee during a  
27 period of family leave to report periodically to the employer on the employee's status and on the  
28 employee's intention to return to work.

29 (5)(a) **Except as provided in paragraph (b) of this subsection**, benefits are not required to  
30 continue to accrue during a **period of** family leave unless continuation or accrual is required under

**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 an agreement of the employer and the employee, a collective bargaining agreement or an employer  
 2 policy.

3 **(b) If the employee is provided group health insurance, the employee is entitled to the**  
 4 **continuation of group health insurance coverage during the period of family leave on the**  
 5 **same terms as if the employee had continued to work. If family member coverage is provided**  
 6 **to the employee, family member coverage must be maintained during the period of family**  
 7 **leave. The employee must continue to make any regular contributions to the cost of the**  
 8 **health insurance premiums.**

9 (c) Notwithstanding ORS 652.610 (3) **and except as provided in paragraph (b) of this sub-**  
 10 **section**, if the employer is required or elects to pay any part of the costs of providing [*health*,] dis-  
 11 ability, life or other insurance coverage for an employee during the period of family leave that  
 12 should have been paid by the employee, the employer may deduct from the employee's pay such  
 13 amounts upon the employee's return to work until the amount the employer advanced toward the  
 14 payments is paid. In no event may the total amount deducted for insurance under the provisions of  
 15 this subsection exceed 10 percent of the employee's gross pay each pay period.

16 (6) Notwithstanding ORS 652.610 (3), if the employer pays any part of the costs of health, disa-  
 17 bility, life or other insurance coverage for an employee under the provisions of subsection (5) of this  
 18 section, and the employee does not return to employment with the employer after taking family  
 19 leave, the employer may deduct amounts paid by the employer from any amounts owed by the em-  
 20 ployer to the employee, or may seek to recover those amounts by any other legal means, unless the  
 21 employee fails to return to work because of:

22 (a) A continuation, reoccurrence or onset of a serious health condition that would entitle the  
 23 employee to leave for one of the purposes specified by ORS 659A.159 (1)(b) or (c); or

24 (b) Other circumstances beyond the control of the employee.  
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