



## Oregon Family Leave Act and federal Family and Medical Leave Act Overview

	Oregon Family Leave Act	Family and Medical Leave Act
<b>Overview</b>	12 weeks unpaid leave	12 weeks unpaid leave
<b>Employer size</b>	25 or more Oregon employees	50 or more employees in the country
<b>Counting employees</b>	All employees on payroll are counted (even those on leave) including temporary and part-time employees.	All employees on payroll are counted (even those on leave) including temporary and part-time employees.
<b>Employee eligibility</b>	Employee must be employed for 180 calendar days preceding the date leave begins and worked an average of 25 hours per week during that period.  *Employees taking parental leave are not required to meet the hours worked requirement.	Employee must have worked for a total of 12 months (doesn't have to be consecutive) and worked at least 1,250 hours during the 12 month period immediately preceding the leave and the 50 or more employees are within 75 miles of the employee's worksite.
<b>Covered family members</b>	Spouse, same-gender domestic partner, parent (biological, adoptive, step or foster mother or father, or any individual who stood <i>in loco parentis</i> to the employee), parent-in-law, parent of the employee's same-gender domestic partner, child (biological, adopted, foster, stepchild or a child with whom the employee is or was in a relationship of <i>in loco parentis</i> ), child of the employee's same-gender domestic partner, grandchild, grandparent.	Spouse, parent (biological, adoptive, step or foster mother or father, or any individual who stood <i>in loco parentis</i> to the employee), child (including child <i>in loco parentis</i> to employee and the child is under 18 or over 18 but incapable of self-care because of a mental or physical disability), grandparent (only if the grandparent was <i>in loco parentis</i> to the employee).

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# Oregon

## Bureau of Labor and Industries

Brad Avakian  
Commissioner

	Oregon Family Leave Act	Family and Medical Leave Act
<b>Qualifying reasons</b>	Serious health condition of employee or employee's covered family member, pregnancy, parental leave, sick child leave (non-serious health condition of the employee's child), and bereavement leave.	Serious health condition of employee or employee's covered family member, pregnancy, parental leave, military caregiver leave, and qualifying exigency leave.
<b>Pregnancy Leave</b>	12 weeks for incapacity due to pregnancy before or after the birth of the child.  Note: an employee who uses OFLA-protected pregnancy leave is entitled to an additional 12 weeks of leave for any OFLA leave purpose. If a pregnant employee uses <i>all</i> of the additional 12 weeks for parental leave, she will be entitled to another 12 weeks of sick child leave for a potential 36 weeks of leave but this is unusual.	12 weeks for incapacity due to pregnancy before or after the birth of the child.
<b>Parental leave</b>	12 weeks to bond with and care for the employee's newborn, newly adopted or newly placed foster child under 18 years of age or for a newly adopted or newly placed foster child 18 years of age or older who is incapable of self care because of a physical or mental impairment. Must be within 12 months of birth, adoption or placement.	12 weeks to bond with and care for the employee's newborn, newly adopted or newly placed foster child under 18 years of age or for a newly adopted or newly placed foster child 18 years of age or older who is incapable of self care because of a physical or mental impairment. Must be within 12 months of birth, adoption or placement.

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<b>Sick child leave</b>	12 weeks to care for a child of the employee who is suffering from an illness, injury or condition that is not a serious health condition but that requires home care.	
<b>Bereavement leave</b>	Two weeks to deal with the death of a covered family member, including grieving the death of the family member, attending the funeral, and making arrangements necessitated by the death of the family member.	
<b>Military leave</b>	OFLA does not provide military leave but Oregon has a Military Family Leave Act that provides leave up to 14 days per deployment.	FMLA provides up to 26 weeks of military caregiver leave for covered employees to care for a spouse, son, daughter, parent or next-of-kin who is a covered servicemember or veteran with a serious injury or illness.  FMLA also provides leave for a "qualifying exigency" arising out of a foreign deployment of the employee's spouse, son, daughter or parent.
<b>Intermittent leave</b>	Eligible employees are entitled to 12 calendar weeks of leave but can take that leave intermittently for a variety of purposes including but not limited to: pregnancy disability; fertility treatments; treatment or counseling for substance abuse; chronic medical conditions and bereavement leave.	Eligible employees are entitled to 12 calendar weeks of leave but can take that leave intermittently for a variety of purposes including but not limited to: pregnancy disability; fertility treatments; treatment or counseling for substance abuse; and chronic medical conditions.

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	<b>Oregon Family Leave Act</b>	<b>Family and Medical Leave Act</b>
<b>Employer notice</b>	Employers must post notice of employees' rights and protections under OFLA.	Employers must post notice of employees' rights and protections under FMLA.
<b>Employee notice</b>	An employee shall provide at least verbal notice sufficient to make the employer aware that the employee needs qualifying leave, and the anticipated timing and duration of leave. If the leave is foreseeable, the employee may be required to give 30 days' written notice.	An employee shall provide at least verbal notice sufficient to make the employer aware that the employee needs qualifying leave, and the anticipated timing and duration of leave. If the leave is foreseeable, the employee may be required to give 30 days' written notice.
<b>Use of paid leave</b>	Employee must be allowed to use accrued paid sick time. Employers may require employees to use paid leave during OFLA leave.	Employee must be allowed to use any accrued paid leave during FMLA leave if consistent with the employer's usual leave policy. Employers may require employees to use paid leave during FMLA leave.
<b>Protections</b>	Retaliation for use of protected leave prohibited. Maintenance of insurance benefits required.	Retaliation for use of protected leave prohibited. Maintenance of insurance benefits required.

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