



Open Government Impact Statement

80th Oregon Legislative Assembly
2019 Regular Session

Measure: HB 2005-A

Only impacts on Original or Engrossed
Versions are Considered Official

Prepared by: Cameron D. Miles
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SUMMARY

Creates family and medical leave insurance program to provide partially or fully compensated time away from work to covered individual who meets certain criteria while covered individual is on family leave, medical leave or safe leave.

Requires employer and employee contributions to fund program. Establishes requirements for employers related to required contributions.

Creates exemption from employer contribution requirements for employers that employ fewer than 25 employees. Provides grant program for certain employers to defray costs.

Allows Director of Employment Department to assess civil penalties in specified circumstances.

Authorizes director to bring civil action against employer for failure to file required reports and pay contributions due. Provides that employers shall be personally liable for contribution amounts due.

Makes employer's violation of provisions of Act punishable by specified imprisonment, fine or both.

Allows self-employed individuals and tribal government employers to elect family and medical leave insurance coverage. Directs director to determine contribution amounts and weekly benefit amounts for self-employed individuals and tribal government employers that elect coverage.

Protects eligible employee's position of employment with employer while employee is on leave if employee has been employed with employer for 90 days before commencing leave. Prohibits employer from retaliating against employee who inquires about rights or responsibilities under family and medical leave insurance program and from interfering with employee rights under program. Establishes right for civil action for certain employer violations.

Establishes Paid Family and Medical Leave Insurance Fund as trust fund and continuously appropriates moneys in fund to Employment Department for purposes of Act.

Permits director to contract with third party to serve as administrator of program.

Provides that employer may apply to director for approval of employer-offered benefit plan that provides family and medical leave insurance benefits that are equivalent to or better than leave and benefit amounts available under family and medical leave insurance program established by department. Establishes requirements for employers. Requires director to establish by rule application process for employers and method for resolving disputes between employers and employees concerning coverage and benefits provided under approved plan. Provides that employers may apply to director for approval of plan.



Requires director to establish process for review of final decisions regarding benefit claims, benefit amounts, receipt of benefits and repayment of benefits.

Provides that provisions of Act do not require reopening or renegotiation of collective bargaining agreement entered into before effective date of Act.

Requires director to submit progress reports to interim committee of Legislative Assembly.
Requires director to submit periodic report concerning administration of family and medical leave insurance program, including recommendations made by advisory committee.

Provides specified delayed operative dates.

Takes effect on 91st day following adjournment sine die.

OPEN GOVERNMENT IMPACT

Legislative Counsel has not adopted standards for drafting measures that establish exemptions from disclosure of public records.

This measure exempts from public disclosure information in the records of the Employment Department or a third party administrator pertaining to the administration of the family and medical leave insurance program.

If the public records were instead subject to mandatory disclosure under public records law, the public could gain additional information about the administration of the family and medical leave insurance program.