

## HB 2474 A STAFF MEASURE SUMMARY

### Senate Committee On Labor and Business

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**Prepared By:** Tyler Larson, LPRO Analyst

**Meeting Dates:** 5/4, 5/13

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#### **WHAT THE MEASURE DOES:**

Modifies the Oregon Family Leave Act (OFLA). Establishes eligibility for protected leave under OFLA for all employees of a covered employer during public health emergency unless employed fewer than 30 days or worked less than an average of 25 hours per week in the 30 days leading up to the leave. Establishes eligibility for employees if they separate, are eligible, and are reemployed within 180 days or because of a temporary cessation of scheduled hours. Allows for restoration of time worked after separation and reemployment under certain circumstances. Removes gendered language from provisions relating to pregnancy. Allows employers to request verification of child care need.

*House vote: Ayes, 53; Nays, 3--Bonham, Post, Reschke; Excused, 3--Breese-Iverson, Levy, Wallan; Excused for Business of the House, 1--Prusak.*

*Fiscal impact issued; no revenue impact*

#### **ISSUES DISCUSSED:**

- Impact of pandemic on workers
- Need for more flexibility during a public health emergency
- Provisions of the measure

#### **EFFECT OF AMENDMENT:**

No amendment.

#### **BACKGROUND:**

The Oregon Family Leave Act (OFLA) requires companies that have 25 or more employees to provide eligible employees up to 12 weeks of unpaid leave per year for specified purposes. Allowable purposes for leave under OFLA include all those covered by the federal Family and Medical Leave Act (FMLA), except for those relating to military status, which are covered by a different Oregon statute. In addition, OFLA allows family leave to care for a child with an illness, injury, or condition that is not serious but requires home care, and up to two weeks for bereavement leave. An eligible employee who takes 12 weeks of family leave is also entitled to take another 12 weeks of leave for a disability related to pregnancy or childbirth. Employees who take 12 weeks of parental leave may also take an additional 12 weeks of sick child leave. Employees must be allowed to use any accrued paid leave time for OFLA leave; employers may determine the order in which the accrued paid leave is to be used. Like under FMLA, employer-provided group health insurance may not be discontinued while on OFLA leave, an employee returning from OFLA leave must be restored to the employee's previously held position or to an equivalent job if the former position no longer exists, and an employer may not retaliate against an employee for inquiring about or taking OFLA leave. To be eligible for OFLA parental leave, an employee must have worked for an employer for at least 180 days. For all other OFLA leave benefits, an employee must have worked at least 180 days and at least an average of 25 hours a week during the 180 days before leave begins. Employees may allege a violation of OFLA by filing a complaint with the Bureau of Labor and Industries or filing a civil action.

House Bill 2474-A modifies the Oregon Family Leave Act to protect leave for all employees of a covered employer during a public health emergency who have been employed at least 30 days and worked at least 25 hours per week in the 30 days leading up to the leave. The measure also provides leave protections for employees who

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

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separate and are reemployed within 180 days or who would otherwise lose protection because of a temporary cessation of scheduled hours.

PRELIMINARY