Enrolled

House Bill 3398

Sponsored by COMMITTEE ON RULES (at the request of Employment Department)

CHAPTER ....

AN ACT

Relating to family medical leave benefits; amending ORS 657B.340 and sections 50, 51, 60, 62 and 63, chapter 700, Oregon Laws 2019; and prescribing an effective date.

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

SECTION 1. ORS 657B.340 is amended to read:

657B.340. (1) The Director of the Employment Department shall establish a family and medical leave insurance program to provide family and medical leave insurance benefits to a covered individual as specified in this chapter.

(2) Not later than [*September 1, 2021*] **September 1, 2022**, the director shall adopt rules that are necessary to establish the program under subsection (1) of this section, including but not limited to rules that:

(a) Establish an outreach plan for the program to receive input from, and disseminate information to, employers and eligible employees.

(b) Establish a process by which employers may apply for approval of an employer-offered benefit plan under ORS 657B.210.

(c) Establish alternatives by which an employer may determine a benefit year period, including on a calendar year and noncalendar year basis.

(3) The director may enter into interagency agreements to perform the duties and functions necessary to implement and administer this chapter.

(4) Whenever possible, the director shall use existing employer and public infrastructure to maintain records, conduct outreach and facilitate contributions made to the program.

(5) All agencies of state government, as defined in ORS 174.111, shall, upon request of the director, assist in the performance of the director's duties under this chapter, including but not limited to outreach, technical assistance and training.

SECTION 2. Section 50, chapter 700, Oregon Laws 2019, is amended to read:

Sec. 50. Beginning [*January 1, 2023*] **January 1, 2024**, and not more than once each year for three consecutive calendar years thereafter, the Director of the Employment Department shall conduct a review of the expenses incurred by the Employment Department in reviewing plans for approval under [*section 43 of this 2019 Act*] **ORS 657B.210**, including an analysis of adequacy of the application fee determined by the department and administrative expenses related to request for review of determinations regarding approval or denial of applications as provided under [*section 31 of this 2019 Act*] **ORS 657B.410**.

SECTION 3. Section 51, chapter 700, Oregon Laws 2019, is amended to read:

Sec. 51. (1)(a) The Director of the Employment Department shall submit to the interim committees of the Legislative Assembly related to workforce or business and labor, in the manner pro-

vided in ORS 192.245, reports summarizing the Employment Department's progress toward implementing the family and medical leave insurance program described in [*sections 1 to 51 of this 2019 Act*] **ORS chapter 657B**.

(b) The director shall submit the first report not later than February 15, 2020, and a second report not later than [*September 1, 2021*] **September 1, 2022**.

(2) Beginning on [*July 1, 2023*] **July 1, 2024**, and once during each of the following three consecutive biennia, the director shall, to the extent that the director has acquired the information, submit to the interim committees of the Legislative Assembly related to workforce or business and labor, in the manner provided in ORS 192.245, a report that includes:

(a) The total number of claims submitted under [*section 12 of this 2019 Act*] **ORS 657B.090**.

(b) The number of claims allowed under [*section 13 of this 2019 Act*] **ORS 657B.100** and the number of claims denied under [*section 13 of this 2019 Act*] **ORS 657B.100**.

(c) The total amount of benefits paid out of the Paid Family and Medical Leave Insurance Fund established under [*section 39 of this 2019 Act*] **ORS 657B.430**.

(d) Data regarding the use of moneys in the fund, the solvency of the fund and the balance of the fund.

(e) The amount of contributions collected under [*section 16 of this 2019 Act*] **ORS 657B.150**.

(f) The number of applications for plan approval submitted under [*section 43 of this 2019 Act*] **ORS 657B.210**, including the number of plans approved and the costs the department incurred in reviewing such applications.

(g) The number of applications received by the department for employer assistance and the total amounts awarded in grants under [*section 42 of this 2019 Act*] **ORS 657B.200**.

(h) The director shall include in the reports described in this subsection any recommendations made by the advisory committee under [*section 36 of this 2019 Act*] **ORS 657B.380**.

SECTION 4. Section 60, chapter 700, Oregon Laws 2019, is amended to read:

Sec. 60. When the Employment Department determines that moneys in sufficient amount are available in the Paid Family and Medical Leave Insurance Fund established under [*section 39 of this 2019 Act*] **ORS 657B.430**, but in no event later than [*January 1, 2023*] **June 30, 2023**, the department shall reimburse the General Fund, without interest, in an amount equal to the amount from the General Fund appropriated as provided in section 59**, chapter 700, Oregon Laws 2019** [*of this 2019 Act*]**, as modified by section 62, chapter 9, Oregon Laws 2020 (second special session)**.

SECTION 5. Section 62, chapter 700, Oregon Laws 2019, is amended to read:

Sec. 62. The Director of the Employment Department shall establish the family and medical leave insurance program under [*section 33 of this 2019 Act*] **ORS 657B.340** such that eligible employees as defined in [*section 2 of this 2019 Act*] **ORS 657B.010** and employers may begin making contributions to the program no later than [*January 1, 2022*] **January 1, 2023**.

SECTION 6. Section 63, chapter 700, Oregon Laws 2019, is amended to read:

Sec. 63. (1)(a) [*Sections 8, 11, 14, 16 to 31, 37, 41, 43 to 48, 49a and 61 of this 2019 Act*] **ORS 657B.070, 657B.080, 657B.110, 657B.130, 657B.150, 657B.175, 657B.180, 657B.190, 657B.210, 657B.220, 657B.230, 657B.240, 657B.250, 657B.260, 657B.280, 657B.290, 657B.300, 657B.310, 657B.320, 657B.330, 657B.370, 657B.390, 657B.410, 657B.440, 657B.460, 657B.470, 657B.900, 657B.910 and 657B.920 and section 50, chapter 700, Oregon Laws 2019,** become operative on [*January 1, 2022*] **January 1, 2023**.

(b) [*Sections 3 to 7, 9, 10, 12, 13, 15, 42 and 50 of this 2019 Act*] **ORS 657B.015, 657B.020, 657B.025, 657B.030, 657B.050, 657B.060, 657B.090, 657B.100, 657B.120 and 657B.200** become operative on [*January 1, 2023*] **September 3, 2023**.

[*(c) The amendments to ORS 410.619 by sections 52 and 53 of this 2019 Act become operative on January 1, 2022.*]

(c) ORS 657B.040 becomes operative on August 3, 2023.

(d) **The amendments to ORS 410.619 by sections 52 and 53, chapter 700, Oregon Laws 2019, and** the amendments to ORS 657.100[*,*] **and** 657.471 [*and 659A.162*] by sections [*54, 55 and 56 of this 2019 Act*] **54 and 55, chapter 700, Oregon Laws 2019,** become operative on January 1, 2023.

(e) The amendments to ORS 659A.162 by section 56, chapter 700, Oregon Laws 2019, become operative on September 3, 2023.

[*(e)*] **(f)** The amendments to ORS 659A.885 by sections 57 and 58 [*of this 2019 Act*]**, chapter 700, Oregon Laws 2019,** become operative January 1, 2025.

(2) The Employment Department and the Department of Revenue may take any action before the operative dates specified in subsection (1) of this section that is necessary to enable the departments to exercise, on and after the operative dates specified in subsection (1) of this section, the duties, functions and powers conferred on the departments by [*sections 1 to 51 of this 2019 Act*] **ORS chapter 657B**.

SECTION 6a. Section 6 of this 2021 Act (amending section 63, chapter 700, Oregon Laws 2019) is repealed and section 63, chapter 700, Oregon Laws 2019, as amended by section 1, chapter 30, Oregon Laws 2021 (Enrolled House Bill 3178), is amended to read:

Sec. 63. (1)(a) ORS 657B.070, 657B.080, 657B.110, 657B.130, 657B.150, 657B.175, 657B.180, 657B.190, 657B.210, 657B.220, 657B.230, 657B.240, 657B.250, 657B.260, 657B.280, 657B.290, 657B.300, 657B.310, 657B.320, 657B.330, 657B.370, 657B.390, 657B.410, 657B.440, 657B.460, 657B.470, 657B.900, 657B.910 and 657B.920 **and section 50, chapter 700, Oregon Laws 2019,** become operative on [*January 1, 2022*] **January 1, 2023**.

(b) ORS 657B.015, 657B.020, 657B.025, 657B.030, [*657B.040,*] 657B.050, 657B.060, 657B.090, 657B.100, 657B.120 and 657B.200 [*and section 50, chapter 700, Oregon Laws 2019,*] become operative on [*January 1, 2023*] **September 3, 2023**.

[*(c) The amendments to ORS 410.619 by sections 52 and 53, chapter 700, Oregon Laws 2019, become operative on January 1, 2022.*]

(c) ORS 657B.040 becomes operative on August 3, 2023.

(d) **The amendments to ORS 410.619 by sections 52 and 53, chapter 700, Oregon Laws 2019, and** the amendments to ORS 657.471 [*and 659A.162*] by [*sections 55 and 56*] **section 55**, chapter 700, Oregon Laws 2019, become operative on January 1, 2023.

(e) The amendments to ORS 659A.162 by section 56, chapter 700, Oregon Laws 2019, become operative on September 3, 2023.

[*(e)*] **(f)** The amendments to ORS 659A.885 by sections 57 and 58, chapter 700, Oregon Laws 2019, become operative January 1, 2025.

(2) The Employment Department and the Department of Revenue may take any action before the operative dates specified in subsection (1) of this section that is necessary to enable the departments to exercise, on and after the operative dates specified in subsection (1) of this section, the duties, functions and powers conferred on the departments by ORS chapter 657B.

SECTION 7. This 2021 Act takes effect on the 91st day after the date on which the 2021 regular session of the Eighty-first Legislative Assembly adjourns sine die.

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Passed by House June 8, 2021

Repassed by House June 25, 2021

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate June 24, 2021

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Peter Courtney, President of Senate

Received by Governor:

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Approved:

........................M.,..., 2021

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Kate Brown, Governor

Filed in Office of Secretary of State:

........................M.,..., 2021

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Shemia Fagan, Secretary of State