

SB 1515 STAFF MEASURE SUMMARY

Senate Committee On Labor and Business

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Meeting Dates: 2/3

WHAT THE MEASURE DOES:

Removes the requirement that the Oregon Employment Department (OED) define “benefit year”. Defines the term to mean a period of 52 consecutive weeks beginning on the Sunday immediately preceding the date on which family, medical, or safe leave commences. Defines the term “benefit year” in the alternative to mean a period of 53 consecutive weeks beginning on the Sunday immediately preceding the date on which family, medical, or safe leave commences if the benefit year as defined would result in an overlap of any quarter of the base year of a previously filed valid claim by the employee. Removes the direction to the OED to establish alternatives by which an employer may determine a benefit year period on either a calendar year or non-calendar year basis.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Oregon Family Leave Act (OFLA) provides employees with 12 weeks of time off per year for qualifying family leave, which includes parental, serious health condition, pregnancy disability, sick child, military family, and bereavement leave. Additional leave may be taken for specified purposes. The leave protected by OFLA is unpaid unless the employee uses vacation, sick, or other forms of paid leave available to the employee.

In 2019, the Legislative Assembly passed House Bill 2005, establishing the Paid Family and Medical Leave Insurance (PMFLI) program. Under the program, an employee may receive wage replacement benefits for qualifying family, medical, or safe leave for a maximum of 12 weeks per benefit year. The law defines a "benefit year" to be a 12-month period determined by the Director of the Employment Department. The Director must establish alternatives by which an employer may determine a benefit year period, including on a calendar year or non-calendar year basis.

Paid leave under PMFLI must be taken concurrently with unpaid leave taken under OFLA. Under OFLA, an employer may choose the benefit year. If an employee has multiple employers, each employer may have chosen a different benefit year. Additionally, benefits for unpaid leave under OFLA may extend beyond the 12-week maximum for paid benefits under PMFLI.

House Bill 1515 removes the requirement that the Director of the Employment Department determine the 12-month benefit year and removes the requirement that the Director establish alternatives by which an employer may determine a benefit year period. The measure defines "benefit year" for purposes of the PMFLI.