



A new program that allows workers in Oregon to take paid time off for some of life's most important moments that impact our families, health and safety.



House Business & Labor

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Karen Humelbaugh, Director, Paid Leave Oregon

Our Mission

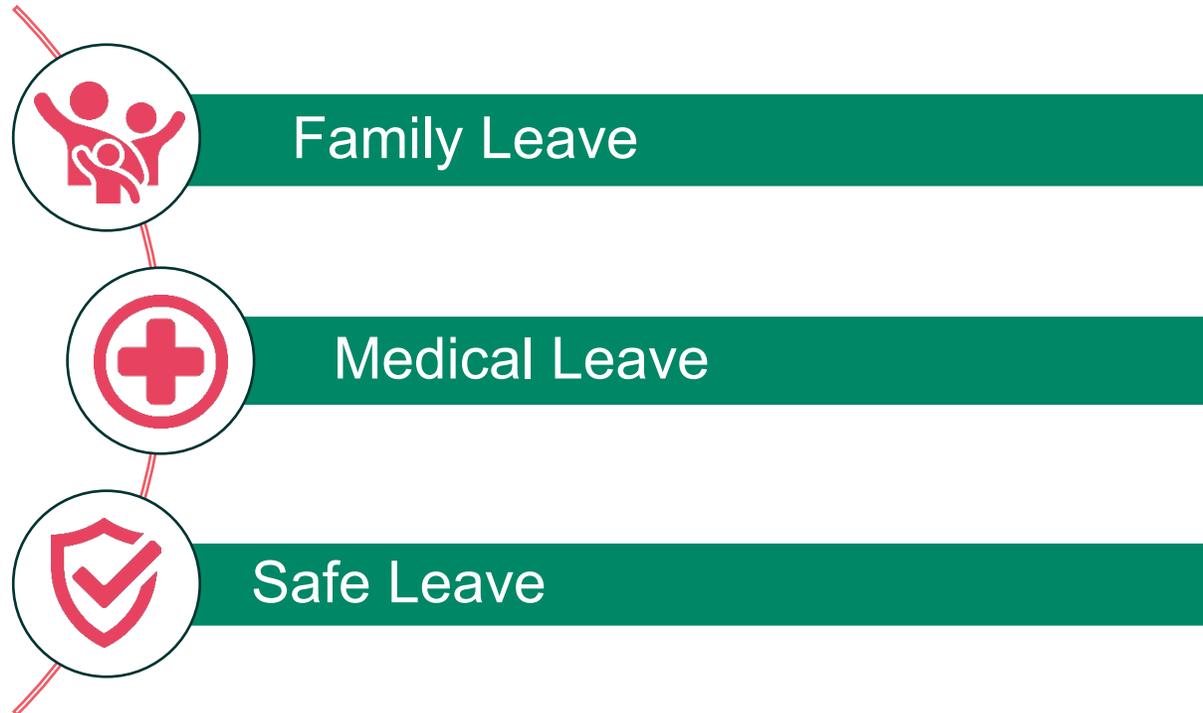
To provide people who work, own businesses or run organizations in Oregon easy access to paid leave benefits so they have the support, resources, and peace of mind when it matters most

Our Vision

A future Oregon where individuals, employers and families - ***of every kind*** – have the time and support they need to care for themselves and their loved ones during life's most important moments



What is Paid Leave Oregon?



Who is Covered by Paid Leave Oregon?



Employers

- All employers with at least one employee working in Oregon

Employees

- All employees working in Oregon

Elective Coverage

- **Self-employed individuals and independent contractors**
- **Tribal governments**



Paid Leave Oregon's timeline



Building Paid Leave Oregon: Addressing Equity

Universal
Access

Tribal
Consultation

Cultural
Values and
Unconscious
Bias

Trauma-
Informed
Services





Contributing together

Contribution Rate:

- Set annually for calendar year
- Same rate for all employers (and employees)
- Maximum rate is 1% of employee wages, up to \$132,900

Employees	Large Employer
60% of contribution rate	40% of contribution rate





Small employers

- Fewer than 25 employees
- **Not required** to pay employer contributions (40% of the rate)
- Employees contribute 60% of set rate
- Employer size determined for calendar year
- Eligible for assistance grants





Assistance grants

- Small employers may apply for an assistance grant when an employee takes paid leave
- Grant amounts:
 - \$3,000 if hiring a replacement worker; or
 - Up to \$1,000 for wage related costs
 - Up to 10 grants per year, one per employee





Large employers

- 25 or more employees
- Required to contribute 40% of set rate
- Employees contribute 60% of set rate
- Not eligible for assistance grants
- Can offer equivalent plans



Self employed

- Choose coverage through Paid Leave Oregon
- Pay contributions (employee portion – 60% of the contribution rate) based on total net income from the prior tax year
- Receive benefits based on total net income contributions have been paid on



Example of payroll contributions and benefits

Example of payroll contributions

State Average Weekly Wage for 2023-24: \$1,269.69

	Annual earnings (Weekly earnings)	Annual employee Paid Leave contributions	Annual employer Paid Leave contributions	One week's Paid Leave benefits
Minimum wage employee	\$28,080 (\$540)	\$168.48	\$112.32	\$540
Median income employee	\$67,058 (\$1,289.58)	\$402.35	\$268.23	\$1,057.44
High income employee	\$132,900 or more (\$2,555.78 or more)	\$797.40	\$531.60	\$1,523.63

- **Minimum Weekly Benefit Amount: \$63.48**
- **Maximum Weekly Benefit Amount: \$1,523.63**



Benefits estimate calculator

Do you know how much you received in gross wages in the last 12 months?

Gross wages means the amount before taxes.

- Yes
- No

Enter your gross wages from the last 12 months:

\$50,000.00

Calculate

If your application is approved, your estimated weekly benefit amount is: \$893.42

Start Over



Equivalent plan data

Top 5 Industry Types

1. Elementary & Secondary Schools
2. Offices of Physicians
3. Offices of Lawyers
4. New Car Dealers
5. Software Publishers

Anticipated Lost Applications	
2023	2024
\$ 306,000,000	\$ 313,000,000
Anticipated Benefits Saved	
2023	2024
\$ 62,100,000	\$ 160,200,000

Statistics	
Fully Insured	2,925
Employer Administered	275
Employees Covered	366,600 (15%)
Large Employers	2,038 (19%)
Small Employers	1,162 (1%)

Equivalent Plan Applications	
Received	3,268
Approved	3,174



Leave types by the numbers

	Total Application %	Total Applications
Bonding Leave	42%	12,337
Family Leave	14%	4,100
Medical Leave	42%	12,350
Safe Leave	1%	367
TOTAL		29,154

Applications Processed	Applications Pending
70% (60% approved, 10% not approved)	30%



Top denial reasons

- Fraud
- Equivalent plan employees
- Not currently employed
- Not uploading correct information
- Wage-related



Application request breakdown

Leave Type	Forecasted	Actual Average Request
Bonding	9.5 weeks	10.5 weeks
Family	7 weeks	6 weeks
Medical	7 weeks	6.5 weeks
Safe	2 weeks	8.4 weeks

As of 10/31/23 – Only includes Consecutive Leave Requests



Customer service experience

Last Week's Phone Data (10/23 – 10/27/23)

Total Calls	11,997
Average Wait Time	20 mins, 26 sec.
Average Talk Time	7 mins, 56 sec.

Emails

Received weekly (average)	1,143
Response time (average)	3 days



Original forecast vs actual revenue

Quarter	May 2023 Forecasted Contributions Collected (\$)	Received Contributions as of 10/31/23
Q1 2023	\$ 217,000,000	\$ 224,580,000
Q2 2023	<u>\$ 199,650,000</u>	<u>\$ 205,000,000</u>
TOTAL	\$ 416,650,000	\$ 429,580,000

As of 10/31/23



Estimated benefit payments for applications received to-date

Leave Type	Forecasted	Estimated Benefits To Be Paid
Bonding	\$ 102,520,000	\$ 112,530,000
Family	\$ 24,875,000	\$ 18,235,000
Medical	\$ 75,690,000	\$ 64,550,000
Safe	\$ 720,650	\$ 1,960,000
TOTAL	\$ 203,805,650	\$ 197,275,000

As of 10/31/23 – Includes Consecutive & Intermittent Leave Requests



How to report fraud

If you have information about fraudulent claims, we want to know about it. We review every tip that we receive.

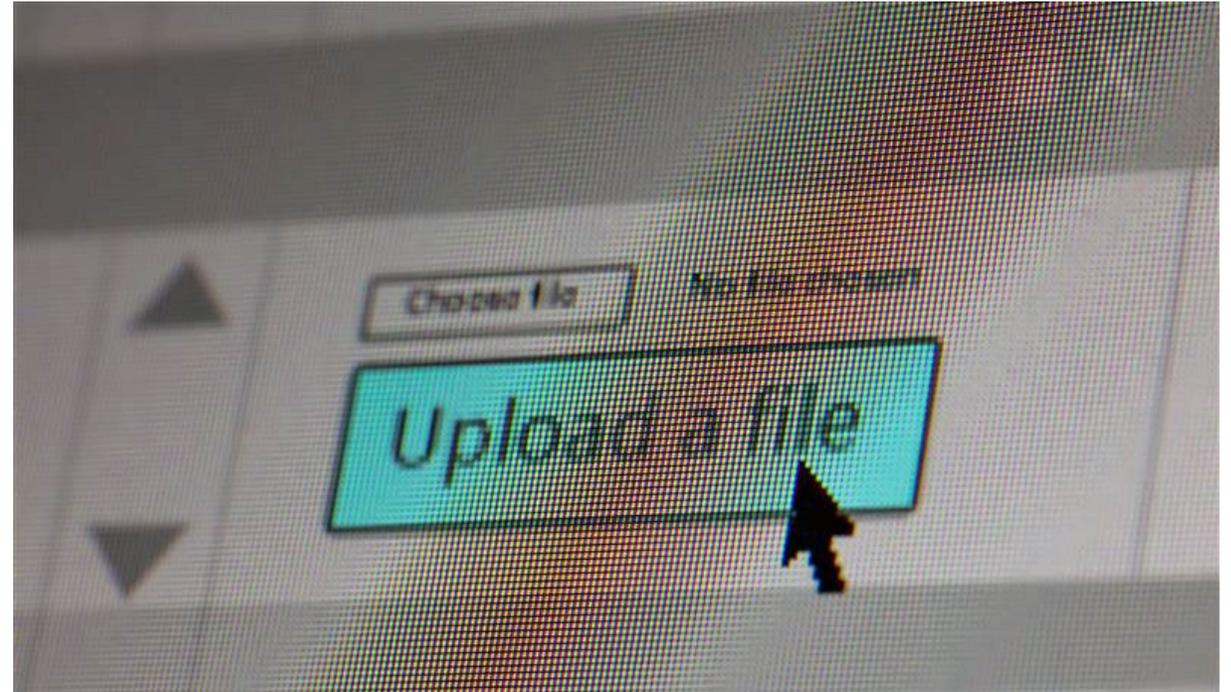
To report fraud:

- Visit our website at paidleave.oregon.gov
- Select the “Report fraud” button
- Fill out the online form



Ways to speed up claims

- Uploading documents
- Employers verifying employee notice in Frances
- Understanding types of leave (intermittent vs. consecutive)
- Do not make changes to your account during claims process



Questions?



Web: PaidLeave.Oregon.gov

Email: paidleave@oregon.gov

A new program that allows employees in Oregon to take paid time off for some of life's most important moments that impact our families, health and safety.

Note: For an employee who works in more than one state and in Oregon, this fact sheet can help employers and employees decide if the employee is eligible for Paid Leave contributions and benefits. Guidance is also available in [Oregon Administrative Rule 471-070-3100](#).

What is Place of Performance? Place of Performance means the physical area where a person does most of their work. Paid Leave Oregon determines both contributions and benefits based on the wages paid to the employee. If an employee earns all their wages entirely in Oregon, they contribute to and are eligible for Paid Leave benefits.

My business is in another state that already has a paid leave program. Do we participate in Oregon's program as well?

It depends where the employee is working. Contributions for Paid Leave Oregon are required for employees that primarily work in Oregon, even if employees live in another state, occasionally work in another state, or if the business is located/headquartered in another state but the employee works remotely from Oregon. Oregon and Washington, for example, aligned our rules relating to place of performance and remote work. More information is available in the [Washington place of performance letter](#).

Some or all of my employees work remotely. Where is their work location decided?

If the employee permanently works remotely in Oregon, then their work location is in Oregon, even if the work is directed from another state.

Does the employee and employer contribute to Paid Leave Oregon if the employee lives in another state but works in Oregon?

Generally, if an employee physically works in Oregon, then employers send contributions to Paid Leave Oregon. Employer and employee contributions are generally required for employees that primarily work in Oregon, even if the employee lives in another state or occasionally works in another state.

Guide for employees working in more than one state:

When you, the employer, have employees who work in more than one state, please follow these steps to decide if contributions should be made to Paid Leave Oregon. It is important to follow these steps for each employee since the answers could be different for everyone. Once you answer yes to a question, stop and do not go to the next step.

Step 1: Does the employee perform work in one state, or primarily work in one state, but sometimes works in another state (not on a regular basis)?

1. **Yes**, they work entirely in Oregon. You report all wages earned for that employee to Oregon, and pay Paid Leave Oregon contributions. **Stop, don't go further.**
2. **Yes**, they work entirely in another state besides Oregon. Do not report any wages earned by this employee to Oregon or pay any contributions for Paid Leave Oregon. **Stop, don't go further.**
3. **No**, they perform and regularly work in and outside of Oregon. **Go to Step 2.**

Step 2: Is there a base of operation where the employee physically starts work and returns to work?

1. **Yes**, the base of operation is in Oregon. You report all wages earned for that employee to Oregon, and pay Paid Leave Oregon contributions. **Stop, don't go further.**
2. **Yes**, the base of operation is outside of Oregon. Do not report any wages earned by this employee to Oregon or pay any contributions for Paid Leave Oregon. **Stop, don't go further.**
3. **No**, there is no base of operation. **Go to Step 3.**

Step 3: Do you direct or control the work from Oregon and the employee works in Oregon?

1. **Yes**, I direct or control work from Oregon and the employee performs work in Oregon. You report all wages earned for that employee to Oregon, and pay Paid Leave Oregon contributions. **Stop, don't go further.**
2. **No**, I direct or control work from outside of Oregon, and the employee works in the state where the direction or control occurs. Do not report any wages earned by this employee to Oregon or pay any contributions for Paid Leave Oregon. **Stop, don't go further.**
3. **No**, I do not direct or control the work from anywhere. **Go to Step 4.**
4. **No**, I direct or control work in a state the employee does not work. **Go to Step 4**

Step 4: Is the employee an Oregon resident?

1. **Yes**, You will report all wages earned for that employee to Oregon, and pay Paid Leave Oregon contributions.
2. **No**, Do not report any wages earned by this employee or pay any contributions for Paid Leave Oregon.

Paid Leave Oregon and the Oregon Bureau of Labor & Industries (BOLI) created this document to help with some common questions about how [Paid Leave](#) and the [Oregon Family Leave Act \(OFLA\)](#) run concurrently. Concurrency, or concurrently, means that Paid Leave and OFLA leave are taken together.

Question: What does the employer need to tell the employee about Paid Leave?

Answer: An employer must provide employees with a [model notice](#) (poster). When an employee takes OFLA or leave under the [Family and Medical Leave Act \(FMLA\)](#), the employer should let the employee know about Paid Leave and should explain that OFLA, FMLA, and Paid Leave run at the same time if Paid Leave is taken for a purpose covered by two or more programs.

Question: Must the employee take OFLA and Paid Leave at the same time if both programs cover the purpose of the leave?

Answer: The employee may choose if they would like to take Paid Leave benefits. However, if the employee takes Paid Leave for a purpose that qualifies for both OFLA and Paid Leave, then the leave runs at the same time as OFLA. Employees need to provide notice of their need for protected OFLA/FMLA leave to their employers. Employees claiming Paid Leave will need to apply separately for paid benefits.

Question: How will the employer know the employee applied for Paid Leave?

Answer: If the employer participates in the state Paid Leave program and not an equivalent plan, the employer will receive a notice from OED that the employee has applied for Paid Leave. The employer will then receive a second notice from OED once a decision (approve or deny) has been made for the Paid Leave application.

When the reason for leave is foreseeable, the employee is required to give verbal notice to the employer at least 30 calendar days before starting leave

that they are applying for Paid Leave and the general reason for the leave. If the leave is not foreseeable, the employee is required to give verbal notice to the employer within 24 hours of starting leave and written notice within three days. Employees that do not provide required notice to their employers may have their first weekly benefit amount reduced by 25 percent.

Question: How many weeks of Paid Leave and OFLA leave can an employee take?

Answer: Generally, an employee who takes Paid Leave is allowed up to 16 weeks of total leave during the Paid Leave benefit year. This is a combination of Paid Leave and unpaid OFLA leave. The amount of Paid Leave may not exceed 12 weeks. There is an exception to this general rule for an employee who takes two additional weeks of Paid Leave for limitations related to pregnancy, childbirth, or a related condition, in which case the combined amount of leave cannot exceed 18 weeks, with no more than 14 weeks taken as Paid Leave.

Question: Does OFLA/FMLA leave taken before the start of Paid Leave on Sept. 3, 2023, limit the amount of Paid Leave an employee can take?

Answer: No. OFLA/FMLA leave taken before the start of Paid Leave will not reduce the total amount of leave available during the Paid Leave benefit year.

Question: Is all leave taken under OFLA subject to the 16–18-week limit if it is taken during the Paid Leave benefit year?

Answer: In general, yes – OFLA leave for bereavement and sick child leave are subject to the cap during a Paid Leave benefit year, even though they are not covered by Paid Leave. Note that there is an exception for leave taken under the Oregon Military Family Leave Act – although it counts against OFLA, it is not subject to the 16-18 week limit even if a Paid Leave benefit year has begun.

Question: If an employee takes OFLA leave that is not covered by Paid Leave (bereavement or sick child), is the leave included in the total amount of leave an employee can take under both OFLA and Paid Leave?

Answer: It depends. The combined maximum amount of leave that an employee can take under Paid Leave and OFLA is based on the Paid Leave

benefit year, which starts when Paid Leave starts. If the Paid Leave benefit year did not begin because the employee did not take any Paid Leave, then any OFLA leave taken for a purpose that does not qualify for Paid Leave benefits would be subject to applicable OFLA limits. If the Paid Leave benefit year began because the employee took approved Paid Leave for any eligible purpose, then any OFLA leave is included in the combined amount of leave and may reduce the 16-18 week limit allowed for the combined OFLA and Paid Leave.

Question: If an employee takes Paid Leave in September for six weeks, takes four weeks of OFLA leave for sick child in December, and then submits a Paid Leave application in March, how much Paid Leave and OFLA time does the employee have left in the Paid Leave benefit year?

Answer: In this example, the employee's Paid Leave benefit year began in September, the Sunday before the date Paid Leave began, and will ordinarily run for 52 weeks. This is the same time frame used to determine the maximum amount of leave an employee can take under Paid Leave and OFLA (usually a 16-week limit). The amount of time the employee took for OFLA sick child leave after the initial Paid Leave was taken reduces the maximum amount of leave an employee can take under Paid Leave and OFLA, since the employee already used 10 weeks of leave (six weeks of Paid Leave + four weeks of OFLA leave) in the benefit year. The employee has six weeks of leave remaining (16 week maximum – 10 weeks of Paid Leave/OFLA already taken).

Question: OFLA requires parental leave to be taken consecutively, but Paid Leave allows parental leave to be taken intermittently or consecutively, how does this work when OFLA and Paid Leave run at the same time?

Answer: While OFLA generally allows an employer to require parental leave to be taken as a consecutive block of time, failure to allow intermittent use of parental leave (taken in minimum full-day increments periodically while performing work when not taking leave) would violate Paid Leave requirements if the employee is taking Paid Leave.