

SB 913 -1, -2 STAFF MEASURE SUMMARY

Senate Committee On Labor and Business

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Meeting Dates: 3/9, 3/16

WHAT THE MEASURE DOES:

Specifies when Director of Employment Department (Department) may dismiss request for hearing under family and medical leave insurance benefit program (Paid Leave Oregon). Modifies when benefits are available to self-employed persons and employees of tribal government. Modifies Department rulemaking authority for equivalent employer-offered benefit plans. Specifies when Department may disclose otherwise confidential information and consequences when certain officers, employees, or persons improperly disclose confidential information. Requires Director to establish appeal process for self-employed persons and tribal government regarding elective coverage and in specified circumstances for employers. Defines "wages" and "claimant." Modifies definition of "employee" to exclude holders of public office, judges, and members of the Legislative Assembly. Excludes certain information related to final orders of Department within Paid Leave Oregon program from requirement that information be maintained in digital format. Modifies place of employment requirements for application of Paid Leave Oregon to employee's wages. Specifies that Paid Leave Oregon benefits and contributions is not tax law subject to jurisdiction of tax court. Makes technical amendments to program. Takes effect 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Paid Leave Oregon Advisory Committee position on measure
- Intent is to have maximum wage equal to social security wage index for maximum contribution rate
- Impact of maximum contribution wage change on Paid Family and Medical Leave Insurance Fund
- Projected solvency of Paid Family and Medical Leave Insurance Fund

EFFECT OF AMENDMENT:

-1 Replaces the measure. Specifies when Director of Employment Department (Department) may dismiss request for hearing under family and medical leave insurance benefit program (Paid Leave Oregon). Modifies when benefits are available to self-employed persons and employees of tribal government. Modifies Department rulemaking authority for equivalent employer-offered benefit plans. Specifies when Department may disclose otherwise confidential information and consequences when certain officers, employees, or persons improperly disclose confidential information. Requires Director to establish appeal process for self-employed persons and tribal government regarding elective coverage, for employers in specified circumstances, and for covered individuals in specified circumstances. Defines "claimant" and modifies definition of "wages." Modifies definition of "employee" to exclude holders of public office, judges, and members of the Legislative Assembly. Excludes certain information related to final orders of Department within Paid Leave Oregon program from requirement that information be maintained in digital format. Modifies place of employment requirements for application of Paid Leave Oregon to employee's wages. Specifies that Paid Leave Oregon benefits and contributions are not tax law subject to jurisdiction of tax court. Makes technical and conforming amendments to Paid Leave Oregon. Specifies applicability dates. Takes effect 91st day following adjournment sine die.

-2 Replaces the measure. Specifies when Director of Employment Department (Department) may dismiss request for hearing under family and medical leave insurance benefit program (Paid Leave Oregon). Modifies when benefits are available to self-employed persons and employees of tribal government. Changes maximum salary contribution amount to align to align with Social Security. Modifies Department rulemaking authority for

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equivalent employer-offered benefit plans. Specifies when Department may disclose otherwise confidential information and consequences when certain officers, employees, or persons improperly disclose confidential information. Requires Director to establish appeal process for self-employed persons and tribal government regarding elective coverage, for employers in specified circumstances, and for covered individuals in specified circumstances. Defines "claimant" and modifies definition of "wages." Modifies definition of "employee" to exclude holders of public office, judges, and members of the Legislative Assembly. Excludes certain information related to final orders of Department within Paid Leave Oregon program from requirement that information be maintained in digital format. Modifies place of employment requirements for application of Paid Leave Oregon to employee's wages. Specifies that Paid Leave Oregon benefits and contributions are not tax law subject to jurisdiction of tax court. Makes technical and conforming amendments to Paid Leave Oregon. Specifies applicability dates. Takes effect 91st day following adjournment sine die.

BACKGROUND:

The family and medical leave insurance program, known as Paid Leave Oregon, is contained in ORS chapter 657B and was enacted by the Legislative Assembly in 2019. The Paid Leave Advisory Committee is composed of nine people who offer input into the Paid Leave Oregon benefit program. Paid Leave Oregon allows Oregon employees to take paid time off for specified family, medical, or safety-related leave, such as family leave to care for a family member with a serious illness or family leave to care for a child following birth. Paid Leave Oregon required employees and employers with 25 or more employees to begin making contributions into the program on January 1, 2023. Employees can begin applying for benefits under Paid Leave Oregon on September 3, 2023. Employers can opt to offer employees their own equivalent plan to Paid Leave Oregon, which must be approved by the Employment Department. Self-employed persons and independent contractors can elect to participate in Paid Leave Oregon.

Senate Bill 913 makes several technical changes to Paid Leave Oregon and modifies procedures for requesting a hearing, when benefits are payable to certain persons, disclosing confidential information.