

**TO: Sen. Kathleen Taylor, Chair  
Sen. Daniel Bonham, Vice Chair  
Members of the Senate Labor & Business Committee**

**FR: Angela Wilhelms, Oregon Business & Industry  
Amanda Dalton, Northwest Grocery Association, Employer Representative Paid Leave RAC  
Jenny Dresler, Small Business Representative Paid Leave RAC**

**RE: Paid Leave/OFLA Alignment – Issues to be Discussed 2024**

April 3, 2023

Thank you for the opportunity to share the below list on behalf of your employer negotiating team to SB 999.

There remains a significant policy discussion about the overall consolidation of PFMLI and OFLA. Having two distinct programs is complicated and inefficient for employers and workers. Our primary goal headed into the 2024 Session is to minimize confusion and administrative burdens on employees, employers, and government administrators. Our recommendation is to have an interim workgroup come to an agreement for consideration in the 2024 legislative session and address the below items:

- Consolidating and reconciling Oregon’s leave laws. Significant unalignment remains, even after the passage of SB 999. Some highlighted differences include:
  - OFLA/PFMLI
    - True alignment regarding leave usage, clocks, banks, and job protections must lead the interim conversation.
    - Certain unpaid leave allowances are offered under OFLA that are not covered under PFMLI (e.g., sick child, disabling pregnancy, bereavement). Similarly, PFMLI covers safe leave, which is not covered under OFLA. The treatment of disparate allowances is a critical conversation as is true alignment with clocks, banks and protected leave.
    - An employee must work 90 days to be eligible for PLO leave and job protection and 180 days to be eligible for OFLA leave and job protection.
  - Oregon sick time (ORS 653.601-661)
    - There is no specific item on the table but simply acknowledging here that it is one additional leave law that perhaps should be discussed in an overall consolidation and alignment discussion.
  - Oregon Military Family Leave Act (ORS 659A.090-099)
    - There is no specific item on the table but acknowledging here that it is one additional leave law that perhaps should be discussed in an overall consolidation and alignment discussion.
    - While an employee need not be eligible for OFLA to take OMFLA, if the employee *is* eligible for OFLA, OMFLA leave may be included in the total amount of leave authorized under OFLA and has leave remaining.
- Thorough examination of utilization, employer and employee communication/notification channels, program administration, and trust solvency as PLO coverage begins.
- Consolidating agency enforcement authority for job protection provisions of leave laws.