

A-Engrossed
Senate Bill 1515

Ordered by the Senate February 12
Including Senate Amendments dated February 12

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Labor and Business)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Makes changes to laws related to paid and unpaid family and medical leave. The Act takes effect when the Governor signs it. (Flesch Readability Score: 68.7).

Directs the Employment Department to collaborate with the Bureau of Labor and Industries to identify statutory changes that are needed to require the department and the bureau to perform certain duties. Requires the Employment Department to make certain findings regarding **the consideration of implementing programmatic changes and** benefits that are paid to certain employees under the paid family and medical leave insurance program and report to the interim committees of the Legislative Assembly no later than September 15, 2024.

Makes changes to the statutory provisions governing paid and unpaid job-protected leave entitlements. Makes technical changes and conforming amendments.

Creates an exception from predictive scheduling penalty compensation requirements for employers that are unable to provide an employee with advance notice of scheduling changes that are necessitated by another employee's use of paid or unpaid leave.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to leave laws concerning time off from work; creating new provisions; amending ORS
3 653.455, 657B.010, 657B.020, 657B.025, 657B.030, 657B.050, 659A.150, 659A.156, 659A.159,
4 659A.162, 659A.165, 659A.168, 659A.171, 659A.177 and 659A.186; and declaring an emergency.

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

6
7 **ADMINISTRATION AND REPORTING**

8
9 **SECTION 1. (1) No later than September 15, 2024, the Director of the Employment De-**
10 **partment shall report to an interim committee of the Legislative Assembly related to labor**
11 **and business information on:**

12 (a) **The payment of benefits under ORS chapter 657B to seasonal employees and persons**
13 **employed through hiring halls; and**

14 (b) **The consideration of implementing programmatic changes to the paid family and**
15 **medical leave program established under ORS chapter 657B.**

16 (2) **No later than September 15, 2024, the Bureau of Labor and Industries and the Em-**
17 **ployment Department shall jointly report to an interim committee of the Legislative As-**
18 **sembly related to labor and business on the apportionment of duties between the Bureau of**
19 **Labor and Industries and the Employment Department regarding the protected leave pro-**
20 **visions of ORS chapters 657B and 659A, including:**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (a) **The current roles and responsibilities of the agencies with respect to:**

2 (A) **Administration, rulemaking, education and enforcement of the protected leave pro-**
3 **visions; and**

4 (B) **Other aspects of the protected leave provisions, including issues concerning discrim-**
5 **ination, retaliation and job protection;**

6 (b) **Possible future roles and responsibilities of the agencies with respect to the topics**
7 **described under paragraph (a) of this subsection; and**

8 (c) **Any statutory changes that are necessary to clarify the roles and responsibilities of**
9 **the agencies to enable the agencies to provide the best support to employees and employers**
10 **regarding protected leave.**

11
12 **TECHNICAL CHANGES**

13
14 **SECTION 2.** ORS 653.455 is amended to read:

15 653.455. (1) As used in this section:

16 (a) "Group communication" means communication to all eligible employees, either written or
17 oral.

18 (b) "Ticketed event" means a sporting, entertainment, civic, charitable or other event that re-
19 quires a ticket for admission. The ticket may be electronic, physical or a name on a list held by the
20 event organizer.

21 (2) An employer shall provide the following compensation to an employee for each employer-
22 requested change that occurs to the employee's written work schedule without the advance notice
23 required in ORS 653.436:

24 (a) One hour of pay at the employee's regular rate of pay, in addition to wages earned, when
25 the employer:

26 (A) Adds more than 30 minutes of work to the employee's work shift;

27 (B) Changes the date or start or end time of the employee's work shift with no loss of hours;

28 or

29 (C) Schedules the employee for an additional work shift or on-call shift.

30 (b) One-half times the employee's regular rate of pay per hour for each scheduled hour that the
31 employee does not work when the employer:

32 (A) Subtracts hours from the employee's work shift before or after the employee reports for duty;

33 (B) Changes the date or start or end time of the employee's work shift, resulting in a loss of
34 work shift hours;

35 (C) Cancels the employee's work shift; or

36 (D) Does not ask the employee to perform work when the employee is scheduled for an on-call
37 shift.

38 (3) The requirements for additional compensation in this section do not apply when:

39 (a) An employer changes the start or end time of an employee's work shift by 30 minutes or less;

40 (b) An employee mutually agrees with another employee to employee-initiated work shift swaps
41 or coverage. The employer may require that work shift swaps or coverage under this paragraph be
42 preapproved by the employer. The employer may assist employees in finding such arrangements,
43 provided that any employer assistance must be limited to helping an employee identify other em-
44 ployees who may be available to provide work shift swaps or coverage and may not include the
45 employer arranging the work shift swap or coverage;

1 (c) An employee requests changes to the employee's written work schedule, including adding or
2 subtracting hours, and the employee documents the request in writing;

3 (d) An employer makes changes to an employee's written work schedule at the employee's re-
4 quest under ORS 653.436 (6);

5 (e) An employer subtracts hours from an employee's work schedule for disciplinary reasons for
6 just cause, provided the employer documents the incident leading to the employee's discipline in
7 writing;

8 (f) An employee's work shift or on-call shift cannot begin or continue due to threats to employ-
9 ees or property or due to the recommendation of a public official;

10 (g) Operations cannot begin or continue because public utilities fail to supply electricity, water
11 or gas or there is a failure in the public utilities or sewer system;

12 (h) Operations cannot begin or continue due to a natural disaster or a similar cause not within
13 the employer's control, including when the natural disaster or similar cause physically affects the
14 work site;

15 (i) Operations hours change or are substantially altered because a ticketed event is canceled,
16 rescheduled or changes in duration due to circumstances that are outside the employer's control and
17 that occur after the employer provides the written work schedule under ORS 653.436;

18 (j) An employer requests that an employee on a voluntary standby list work additional hours
19 as described in ORS 653.432 and the employee consents to work the additional hours; [or]

20 (k)(A) An employer requests that an employee work additional hours to address unanticipated
21 customer needs or unexpected employee absence;

22 (B) The employee consents in writing to work the additional hours;

23 (C) If the employer maintains a voluntary standby list described in ORS 653.432, the employer
24 has contacted all of the employees listed on the voluntary standby list and requires additional em-
25 ployee coverage; and

26 (D)(i) If the employee is working a work shift at the time the employer makes the request, the
27 employer makes the request either individually or as part of a group communication; or

28 (ii) If the employee is not working a work shift at the time the employer makes the request, the
29 employer makes the request through a group communication[.]; or

30 **(L) An employer is provided with less than 14 days' notice before the first day of the work**
31 **schedule of the need for leave under ORS chapter 657B or 659A, or of the return from the**
32 **use of leave under ORS chapter 657B or 659A, and the employer makes a change to the**
33 **schedule of an employee who was temporarily assigned to specific shifts to cover for an**
34 **employee on leave under ORS chapter 657B or 659A.**

35 **SECTION 3.** ORS 657B.010 is amended to read:

36 657B.010. As used in this chapter:

37 (1) "Alternate base year" means the last four completed calendar quarters preceding the benefit
38 year.

39 (2) "Average weekly wage" means the amount calculated by the Employment Department as the
40 state average weekly covered wage under ORS 657.150 (4)(e) as determined not more than once per
41 year.

42 (3) "Base year" means the first four of the last five completed calendar quarters preceding the
43 benefit year.

44 (4) "Benefits" means family and medical leave insurance benefits.

45 (5)(a) "Benefit year" means, except as provided in paragraph (b) of this subsection, a period of

1 52 consecutive weeks beginning on the Sunday immediately preceding the date on which family
2 leave, medical leave or safe leave commences.

3 (b) "Benefit year" means, in the event that the 52-week period described in paragraph (a) of this
4 subsection would result in an overlap of any quarter of the base year of a previously filed valid
5 claim, a period of 53 consecutive weeks beginning on the Sunday immediately preceding the date
6 on which family leave, medical leave or safe leave commences.

7 (6) "Child" means:

8 (a) A biological child, adopted child, stepchild or foster child of a covered individual or of the
9 covered individual's spouse or domestic partner;

10 (b) A person who is or was a legal ward of a covered individual or of the covered individual's
11 spouse or domestic partner; or

12 (c) A person who is or was in a relationship of in loco parentis with a covered individual or
13 with the covered individual's spouse or domestic partner.

14 (7) "Claimant" means an individual who has submitted an application or established a claim for
15 benefits.

16 (8) "Contribution" or "contributions" means the money payments made by any of the following
17 under ORS 657B.150:

18 (a) An employer;

19 (b) An employee;

20 (c) A self-employed individual;

21 (d) A tribal government; or

22 (e) An employee of a tribal government.

23 (9) "Covered individual" means any one of the following who qualifies under ORS 657B.015 to
24 receive family and medical leave insurance benefits:

25 (a) An eligible employee;

26 (b) A self-employed individual; or

27 (c) An employee of a tribal government.

28 (10) "Domestic partner" means an individual joined in a domestic partnership.

29 (11) "Domestic partnership" has the meaning given that term in ORS 106.310.

30 (12) "Eligible employee" means:

31 (a)(A) An employee who has earned at least \$1,000 in wages during the base year; or

32 (B) If an employee has not earned at least \$1,000 in wages during the base year, an employee
33 who has earned at least \$1,000 in wages during the alternate base year; and

34 (b) An employee to whom paid family and medical leave insurance benefits may be available
35 under ORS 657B.015.

36 (13) "Eligible employee's average weekly wage" means an amount calculated by the Director of
37 the Employment Department by dividing the total wages earned by an eligible employee during the
38 base year by the number of weeks in the base year.

39 (14)(a) "Employee" means:

40 (A) An individual performing services for an employer for remuneration or under any contract
41 of hire, written or oral, express or implied.

42 (B) A home care worker as defined in ORS 410.600.

43 (b) "Employee" does not include:

44 (A) An independent contractor as defined in ORS 670.600.

45 (B) A participant in a work training program administered under a state or federal assistance

1 program.

2 (C) A participant in a work-study program that provides students in secondary or postsecondary
3 educational institutions with employment opportunities for financial assistance or vocational train-
4 ing.

5 (D) A railroad worker exempted under the federal Railroad Unemployment Insurance Act.

6 (E) A volunteer.

7 (F) A judge as defined in ORS 260.005.

8 (G) A member of the Legislative Assembly.

9 (H) A holder of public office as defined in ORS 260.005.

10 (15)(a) "Employer" means any person that employs one or more employees working anywhere in
11 this state or any agent or employee of such person to whom the duties of the person under this
12 chapter have been delegated.

13 (b) "Employer" includes:

14 (A) A political subdivision of this state or any county, city, district, authority or public corpo-
15 ration, or any instrumentality of a county, city, district, authority or public corporation, organized
16 and existing under law or charter;

17 (B) An individual;

18 (C) Any type of organization, corporation, partnership, limited liability company, association,
19 trust, estate, joint stock company or insurance company;

20 (D) Any successor in interest to an entity described in subparagraph (C) of this paragraph;

21 (E) A trustee, trustee in bankruptcy or receiver; or

22 (F) A trustee or legal representative of a deceased person.

23 (c) "Employer" does not include the federal government or a tribal government.

24 (16) "Employment agency" has the meaning given that term in ORS 658.005.

25 (17) "Family and medical leave insurance benefits" means the wage replacement benefits that
26 are available to a covered individual under ORS 657B.050 or under the terms of an employer plan
27 approved under ORS 657B.210, for family leave, medical leave or safe leave.

28 (18)(a) "Family leave" means leave from work taken by a covered individual:

29 (A) To care for and bond with a child during the first year after the child's birth or during the
30 first year after the placement of the child through foster care or adoption; or

31 (B) To care for a family member with a serious health condition.

32 (b) "Family leave" does not mean:

33 (A) Leave described in ORS 659A.159 [(1)(d)] **(1)(a) except for leave to care for a child who**
34 **requires home care due to an illness, injury or condition that is a serious health condition;**

35 (B) Leave described in ORS 659A.159 [(1)(e)] **(1)(b);** or

36 (C) Leave authorized under ORS 659A.093.

37 (19) "Family member" means:

38 (a) The spouse of a covered individual;

39 (b) A child [of a covered individual] or the child's spouse or domestic partner;

40 (c) A parent [of a covered individual] or the parent's spouse or domestic partner;

41 (d) A sibling or stepsibling of a covered individual or the sibling's or stepsibling's spouse or
42 domestic partner;

43 (e) A grandparent of a covered individual or the grandparent's spouse or domestic partner;

44 (f) A grandchild of a covered individual or the grandchild's spouse or domestic partner;

45 (g) The domestic partner of a covered individual; or

1 (h) Any individual related by blood or affinity whose close association with a covered individual
2 is the equivalent of a family relationship.

3 (20) “Medical leave” means leave from work taken by a covered individual that is made neces-
4 sary by the individual’s own serious health condition.

5 (21) “Parent” means:

6 (a) A biological parent, adoptive parent, stepparent or foster parent of a covered individual;

7 (b) A person who was a foster parent of a covered individual when the covered individual was
8 a minor;

9 (c) A person designated as the legal guardian of a covered individual at the time the covered
10 individual was a minor or required a legal guardian;

11 (d) A person with whom a covered individual was or is in a relationship of in loco parentis; or

12 (e) A parent of a covered individual’s spouse or domestic partner who meets a description under
13 paragraphs (a) to (d) of this subsection.

14 (22) “Safe leave” means leave taken for any purpose described in ORS 659A.272.

15 (23) “Self-employed individual” means:

16 (a) An individual who has self-employment income as defined in section 1402(b) of the Internal
17 Revenue Code as amended and in effect on December 31, 2022; or

18 (b) An independent contractor as defined in ORS 670.600.

19 (24) “Serious health condition” [*has the meaning given that term in ORS 659A.150.*] **means:**

20 **(a) An illness, injury, impairment or physical or mental condition that requires inpatient**
21 **care in a hospital, hospice or residential medical care facility;**

22 **(b) An illness, disease or condition that in the medical judgment of the treating health**
23 **care provider poses an imminent danger of death, is terminal in prognosis with a reasonable**
24 **possibility of death in the near future, or requires constant care;**

25 **(c) Any period of disability due to pregnancy, or period of absence for prenatal care; or**

26 **(d) Any period of absence for the donation of a body part, organ or tissue, including**
27 **preoperative or diagnostic services, surgery, post-operative treatment and recovery.**

28 (25) “Third party administrator” means a third party that enters into an agreement with the
29 Director of the Employment Department to implement and administer the paid family and medical
30 leave program established under this chapter.

31 (26) “Tribal government” [*has the meaning given that term in ORS 181A.940.*] **means:**

32 **(a) A tribal government as defined in ORS 181A.940; or**

33 **(b) A federally recognized Indian tribe.**

34 (27)(a) “Wages” has the meaning given that term in ORS 657.105.

35 (b) “Wages” does not mean contribution amounts paid to the Paid Family and Medical Leave
36 Insurance Fund by an employer on behalf of an employee under ORS 657B.150 (5).

37 **SECTION 4.** ORS 657B.010, as amended by section 3 of this 2024 Act, is amended to read:
38 657B.010. As used in this chapter:

39 (1) “Alternate base year” means the last four completed calendar quarters preceding the benefit
40 year.

41 (2) “Average weekly wage” means the amount calculated by the Employment Department as the
42 state average weekly covered wage under ORS 657.150 (4)(e) as determined not more than once per
43 year.

44 (3) “Base year” means the first four of the last five completed calendar quarters preceding the
45 benefit year.

- 1 (4) "Benefits" means family and medical leave insurance benefits.
- 2 (5)(a) "Benefit year" means, except as provided in paragraph (b) of this subsection, a period of
3 52 consecutive weeks beginning on the Sunday immediately preceding the date on which family
4 leave, medical leave or safe leave commences.
- 5 (b) "Benefit year" means, in the event that the 52-week period described in paragraph (a) of this
6 subsection would result in an overlap of any quarter of the base year of a previously filed valid
7 claim, a period of 53 consecutive weeks beginning on the Sunday immediately preceding the date
8 on which family leave, medical leave or safe leave commences.
- 9 (6) "Child" means:
- 10 (a) A biological child, adopted child, stepchild or foster child of a covered individual or of the
11 covered individual's spouse or domestic partner;
- 12 (b) A person who is or was a legal ward of a covered individual or of the covered individual's
13 spouse or domestic partner; or
- 14 (c) A person who is or was in a relationship of in loco parentis with a covered individual or
15 with the covered individual's spouse or domestic partner.
- 16 (7) "Claimant" means an individual who has submitted an application or established a claim for
17 benefits.
- 18 (8) "Contribution" or "contributions" means the money payments made by any of the following
19 under ORS 657B.150:
- 20 (a) An employer;
- 21 (b) An employee;
- 22 (c) A self-employed individual;
- 23 (d) A tribal government; or
- 24 (e) An employee of a tribal government.
- 25 (9) "Covered individual" means any one of the following who qualifies under ORS 657B.015 to
26 receive family and medical leave insurance benefits:
- 27 (a) An eligible employee;
- 28 (b) A self-employed individual; or
- 29 (c) An employee of a tribal government.
- 30 (10) "Domestic partner" means an individual joined in a domestic partnership.
- 31 (11) "Domestic partnership" has the meaning given that term in ORS 106.310.
- 32 (12) "Eligible employee" means:
- 33 (a)(A) An employee who has earned at least \$1,000 in wages during the base year; or
34 (B) If an employee has not earned at least \$1,000 in wages during the base year, an employee
35 who has earned at least \$1,000 in wages during the alternate base year; and
- 36 (b) An employee to whom paid family and medical leave insurance benefits may be available
37 under ORS 657B.015.
- 38 (13) "Eligible employee's average weekly wage" means an amount calculated by the Director of
39 the Employment Department by dividing the total wages earned by an eligible employee during the
40 base year by the number of weeks in the base year.
- 41 (14)(a) "Employee" means:
- 42 (A) An individual performing services for an employer for remuneration or under any contract
43 of hire, written or oral, express or implied.
- 44 (B) A home care worker as defined in ORS 410.600.
- 45 (b) "Employee" does not include:

- 1 (A) An independent contractor as defined in ORS 670.600.
- 2 (B) A participant in a work training program administered under a state or federal assistance
3 program.
- 4 (C) A participant in a work-study program that provides students in secondary or postsecondary
5 educational institutions with employment opportunities for financial assistance or vocational train-
6 ing.
- 7 (D) A railroad worker exempted under the federal Railroad Unemployment Insurance Act.
- 8 (E) A volunteer.
- 9 (F) A judge as defined in ORS 260.005.
- 10 (G) A member of the Legislative Assembly.
- 11 (H) A holder of public office as defined in ORS 260.005.
- 12 (15)(a) "Employer" means any person that employs one or more employees working anywhere in
13 this state or any agent or employee of such person to whom the duties of the person under this
14 chapter have been delegated.
- 15 (b) "Employer" includes:
- 16 (A) A political subdivision of this state or any county, city, district, authority or public corpo-
17 ration, or any instrumentality of a county, city, district, authority or public corporation, organized
18 and existing under law or charter;
- 19 (B) An individual;
- 20 (C) Any type of organization, corporation, partnership, limited liability company, association,
21 trust, estate, joint stock company or insurance company;
- 22 (D) Any successor in interest to an entity described in subparagraph (C) of this paragraph;
- 23 (E) A trustee, trustee in bankruptcy or receiver; or
- 24 (F) A trustee or legal representative of a deceased person.
- 25 (c) "Employer" does not include the federal government or a tribal government.
- 26 (16) "Employment agency" has the meaning given that term in ORS 658.005.
- 27 (17) "Family and medical leave insurance benefits" means the wage replacement benefits that
28 are available to a covered individual under ORS 657B.050 or under the terms of an employer plan
29 approved under ORS 657B.210, for family leave, medical leave or safe leave.
- 30 (18)(a) "Family leave" means leave from work taken by a covered individual:
- 31 (A) To care for and bond with a child during the first year after the child's birth or during the
32 first year after the placement of the child through foster care or adoption; [or]
- 33 **(B) To effectuate the legal process required for placement of a foster child or the**
34 **adoption of a child; or**
- 35 [(B)] (C) To care for a family member with a serious health condition.
- 36 (b) "Family leave" does not mean:
- 37 (A) Leave described in ORS 659A.159 (1)(a) except for leave to care for a child who requires
38 home care due to an illness, injury or condition that is a serious health condition;
- 39 (B) Leave described in ORS 659A.159 (1)(b); or
- 40 (C) Leave authorized under ORS 659A.093.
- 41 (19) "Family member" means:
- 42 (a) The spouse of a covered individual;
- 43 (b) A child or the child's spouse or domestic partner;
- 44 (c) A parent or the parent's spouse or domestic partner;
- 45 (d) A sibling or stepsibling of a covered individual or the sibling's or stepsibling's spouse or

1 domestic partner;

2 (e) A grandparent of a covered individual or the grandparent's spouse or domestic partner;

3 (f) A grandchild of a covered individual or the grandchild's spouse or domestic partner;

4 (g) The domestic partner of a covered individual; or

5 (h) Any individual related by blood or affinity whose close association with a covered individual
6 is the equivalent of a family relationship.

7 (20) "Medical leave" means leave from work taken by a covered individual that is made neces-
8 sary by the individual's own serious health condition.

9 (21) "Parent" means:

10 (a) A biological parent, adoptive parent, stepparent or foster parent of a covered individual;

11 (b) A person who was a foster parent of a covered individual when the covered individual was
12 a minor;

13 (c) A person designated as the legal guardian of a covered individual at the time the covered
14 individual was a minor or required a legal guardian;

15 (d) A person with whom a covered individual was or is in a relationship of in loco parentis; or

16 (e) A parent of a covered individual's spouse or domestic partner who meets a description under
17 paragraphs (a) to (d) of this subsection.

18 (22) "Safe leave" means leave taken for any purpose described in ORS 659A.272.

19 (23) "Self-employed individual" means:

20 (a) An individual who has self-employment income as defined in section 1402(b) of the Internal
21 Revenue Code as amended and in effect on December 31, 2022; or

22 (b) An independent contractor as defined in ORS 670.600.

23 (24) "Serious health condition" means:

24 (a) An illness, injury, impairment or physical or mental condition that requires inpatient care
25 in a hospital, hospice or residential medical care facility;

26 (b) An illness, disease or condition that in the medical judgment of the treating health care
27 provider poses an imminent danger of death, is terminal in prognosis with a reasonable possibility
28 of death in the near future, or requires constant care;

29 (c) Any period of disability due to pregnancy, or period of absence for prenatal care; or

30 (d) Any period of absence for the donation of a body part, organ or tissue, including preoperative
31 or diagnostic services, surgery, post-operative treatment and recovery.

32 (25) "Third party administrator" means a third party that enters into an agreement with the
33 Director of the Employment Department to implement and administer the paid family and medical
34 leave program established under this chapter.

35 (26) "Tribal government" means:

36 (a) A tribal government as defined in ORS 181A.940; or

37 (b) A federally recognized Indian tribe.

38 (27)(a) "Wages" has the meaning given that term in ORS 657.105.

39 (b) "Wages" does not mean contribution amounts paid to the Paid Family and Medical Leave
40 Insurance Fund by an employer on behalf of an employee under ORS 657B.150 (5).

41 **SECTION 5.** ORS 657B.030 is amended to read:

42 657B.030. (1) Family and medical leave insurance benefits are in addition to any paid sick time
43 under ORS 653.606, vacation leave or other paid leave earned by an employee.

44 (2)(a) *[An employer may permit an employee to use all or a portion of paid sick time, vacation leave*
45 *or any other paid leave earned by the employee in addition to]* **Except as otherwise provided in**

1 **paragraph (b) of this subsection, an employee is entitled to use any accrued paid sick leave,**
2 **accrued paid vacation leave or any other paid leave that is offered by the employer in addi-**
3 **tion to receiving paid family and medical leave insurance benefits during a period of leave taken**
4 **for family leave, medical leave or safe leave to the extent that the total combined amount of**
5 **accrued paid leave and benefits received by the employee does not exceed an amount equal**
6 **to the employee's full wage replacement during the period of family leave, medical leave or**
7 **safe leave.**

8 **(b) An employer may permit an employee to use accrued paid leave in addition to re-**
9 **ceiving paid family and medical leave insurance benefits such that the total combined**
10 **amounts received by the employee may exceed the employee's full wage replacement amount**
11 **as described in paragraph (a) of this subsection.**

12 **(3) Subject to the terms of any agreement between the employee and the employer or the**
13 **terms of a collective bargaining agreement, the employer may determine the particular order**
14 **in which accrued leave is to be used when more than one type of accrued leave is available**
15 **to the covered individual.**

16 ~~[(3)]~~ (4) In any week in which an employee is eligible to receive workers' compensation **time**
17 **loss benefits under ORS chapter 656** or unemployment benefits under ORS chapter ~~[656 or]~~ 657,
18 the employee is disqualified from receiving family and medical leave insurance benefits.

19 **SECTION 6.** ORS 657B.050 is amended to read:

20 657B.050. (1) The Director of the Employment Department shall set the weekly benefit amount
21 of family and medical leave insurance benefits that a covered individual qualifies for as follows:

22 (a) If the eligible employee's average weekly wage is equal to or less than 65 percent of the
23 average weekly wage, the employee's weekly benefit amount shall be 100 percent of the employee's
24 average weekly wage.

25 (b) If the eligible employee's average weekly wage is greater than 65 percent of the average
26 weekly wage, the employee's weekly benefit amount is the sum of:

27 (A) 65 percent of the average weekly wage; and

28 (B) 50 percent of the employee's average weekly wage that is greater than 65 percent of the
29 average weekly wage.

30 (2) Notwithstanding subsection (1) of this section, the director shall establish:

31 (a) A maximum weekly benefit amount of 120 percent of the average weekly wage.

32 (b) A minimum weekly benefit amount of five percent of the average weekly wage.

33 (3) The director shall determine, based on the contribution amounts made by a self-employed
34 individual, a tribal government or the employees of a tribal government under ORS 657B.150, the
35 amount of benefits payable to a self-employed individual or to an employee of a tribal government.

36 (4) Benefits are payable only to the extent that moneys are available in the Paid Family and
37 Medical Leave Insurance Fund for that purpose. The state, any political subdivision of the state and
38 any state agency are not liable for any amount in excess of this limit.

39 **(5) Benefits payable under this section are exempt from garnishment except for:**

40 **(a) Child or spousal support garnishments; and**

41 **(b) Restitution for crime victims.**

42
43 **ALIGNMENT**
44 **(Statutory Changes)**
45

1 **SECTION 7.** ORS 657B.020 is amended to read:

2 657B.020. (1) A covered individual may qualify for up to 12 weeks of family and medical leave
3 insurance benefits per benefit year for leave taken for any of the following purposes, in any combi-
4 nation:

- 5 (a) Family leave;
- 6 (b) Medical leave; or
- 7 (c) Safe leave.

8 *[(2) Notwithstanding ORS 657B.025 and except as provided under subsection (3) of this section, a
9 covered individual who has taken any amount of paid leave available under subsection (1) of this sec-
10 tion may take a total of 16 weeks of leave in the benefit year in any combination of the paid leave
11 available under subsection (1) of this section, not to exceed 12 weeks, and unpaid leave under ORS
12 659A.159 for which the covered individual is eligible under ORS 659A.156. The leave may be taken for
13 any purpose for which leave is allowable under the respective leave programs.]*

14 *[(3)]* **(2)** In addition to the leave available under *[subsections (1) and (2)]* **subsection (1)** of this
15 section, a covered individual may qualify for up to two additional weeks of benefits for limitations
16 related to pregnancy, childbirth or a related medical condition, including but not limited to
17 lactation, for a total amount of leave under this subsection and *[subsections (1) and (2)]* **subsection**
18 **(1)** of this section, not to exceed *[18]* **14** weeks per benefit year.

19 **SECTION 8.** ORS 659A.159 is amended to read:

20 659A.159. (1) Family leave under ORS 659A.150 to 659A.186 may be taken by an eligible em-
21 ployee for any of the following purposes:

22 *[(a) To care for an infant or newly adopted child under 18 years of age, or for a newly placed
23 foster child under 18 years of age, or for an adopted or foster child older than 18 years of age if the
24 child is incapable of self-care because of a mental or physical disability.]*

25 *[(b) To care for a family member with a serious health condition.]*

26 *[(c) To recover from or seek treatment for a serious health condition of the employee that renders
27 the employee unable to perform at least one of the essential functions of the employee's regular
28 position.]*

29 *[(d)]* **(a)** To care for a child of the employee who is suffering from an illness, injury or condition
30 that *[is not a serious health condition but that]* requires home care or who requires home care due
31 to the closure of the child's school or child care provider as a result of a public health emergency.

32 *[(e)]* **(b)** To deal with the death of a family member by:

- 33 (A) Attending the funeral or alternative to a funeral of the family member;
- 34 (B) Making arrangements necessitated by the death of the family member; or
- 35 (C) Grieving the death of the family member.

36 *[(2)(a) Leave under subsection (1)(a) of this section must be completed within 12 months after birth
37 or placement of the child, and an eligible employee is not entitled to any period of family leave under
38 subsection (1)(a) of this section after the expiration of 12 months after birth or placement of the
39 child.]*

40 *[(b)]* **(2)** Leave under subsection *[(1)(e)]* **(1)(b)** of this section must be completed within 60 days
41 of the date on which the eligible employee receives notice of the death of a family member.

42 **SECTION 9.** ORS 659A.162 is amended to read:

43 659A.162. (1)**(a)** Except as specifically provided by ORS *[657B.020 and]* 659A.150 to 659A.186, an
44 eligible employee is entitled to up to a total of 12 weeks of family leave **for a purpose described**
45 **in ORS 659A.159** within any one-year period.

1 **(b) Leave taken under ORS 659A.150 to 659A.186 is in addition to, and may not be taken**
2 **concurrently with, any leave taken pursuant to ORS chapter 657B.**

3 (2)(a) Except as provided by paragraph (b) of this subsection, an eligible employee is entitled to
4 a total of two weeks of family leave for the purposes described in ORS 659A.159 [(1)(e)] **(1)(b)**.

5 (b) An eligible employee is entitled to the period of leave described in paragraph (a) of this
6 subsection upon the death of each family member of the employee within any one-year period, except
7 that leave taken as provided by this subsection may not exceed [*the total period of family leave au-*
8 *thorized by subsection (1) of this section*] **a total of four weeks within any one-year period.**

9 (c) A covered employer may not require an eligible employee to take multiple periods of leave
10 described in ORS 659A.159 [(1)(e)] **(1)(b)** concurrently if more than one family member of the em-
11 ployee dies during the one-year period.

12 (d) All leave taken for the purposes described in ORS 659A.159 [(1)(e)] **(1)(b)** shall be counted
13 toward the total period of family leave authorized by subsection (1) of this section.

14 (3)[(a)] In addition to the 12 weeks of family leave authorized by subsection (1) of this section,
15 an eligible employee may take a total of 12 weeks of leave within any one-year period for an illness,
16 injury or condition related to the eligible employee's own pregnancy or childbirth that disables the
17 eligible employee from performing any available job duties offered by the covered employer.

18 [(b) *An eligible employee who takes 12 weeks of family leave within a one-year period for the*
19 *purpose specified in ORS 659A.159 (1)(a) may take up to an additional 12 weeks of leave within the*
20 *one-year period for the purpose specified in ORS 659A.159 (1)(d).*]

21 (4) When two or more family members work for the same covered employer, the eligible em-
22 ployees may not take concurrent family leave unless:

23 [(a) *One employee needs to care for another employee who is a family member and who is suffering*
24 *from a serious health condition;*]

25 [(b) (a) One employee needs to care for a child [*who has a serious health condition*] **for a pur-**
26 **pose described in ORS 659A.159 (1)(a)** while another employee [*who is a family member is also*
27 *suffering from a serious health condition*] **is taking leave under subsection (3) of this section;** or

28 [(c) (b) [*The employees are*] **One or more of the employees is** taking leave described in ORS
29 659A.159 [(1)(e)] **(1)(b)**.

30 [(5) *An eligible employee may take family leave for the purpose specified in ORS 659A.159 (1)(a)*
31 *in two or more nonconsecutive periods of leave only with the approval of the employer.*]

32 [(6) *Leave need not be provided to an eligible employee by a covered employer for the purpose*
33 *specified in ORS 659A.159 (1)(d) if another family member is available to care for the child.*]

34 [(7)] **(5)** A covered employer may not reduce the amount of family leave available to an eligible
35 employee under this section by any period the employee is unable to work because of a disabling
36 compensable injury.

37 [(8)(a)] **(6)** The Commissioner of the Bureau of Labor and Industries shall adopt rules governing
38 when family leave [*for a serious health condition of an eligible employee or a family member of the*
39 *eligible employee*] may be taken intermittently or by working a reduced workweek. Rules adopted
40 by the commissioner under this paragraph shall allow taking of family leave on an intermittent basis
41 or by use of a reduced workweek to the extent permitted by federal law and to the extent that
42 taking family leave on an intermittent basis or by use of a reduced workweek does not result in the
43 loss of an eligible employee's exempt status under the federal Fair Labor Standards Act.

44 [(b) *The commissioner shall adopt rules governing when family leave for the purposes described in*
45 *ORS 659A.159 (1)(e) may be taken to the extent permitted by federal law and to the extent that taking*

1 *family leave on an intermittent basis does not result in the loss of an eligible employee's exempt status*
2 *under the federal Fair Labor Standards Act.]*

3 **SECTION 10.** ORS 659A.165 is amended to read:

4 659A.165. (1) Except as provided in subsection (2) of this section, a covered employer may re-
5 quire an eligible employee to give the employer written notice at least 30 days before commencing
6 family leave. The employer may require the employee to include an explanation of the need for the
7 leave in the notice.

8 (2) An eligible employee may commence taking family leave without prior notice under the fol-
9 lowing circumstances:

10 [(a) *An unexpected serious health condition of an employee or family member of an employee;*]

11 [(b)] (a) An unexpected illness, injury or condition of a child of the employee that requires home
12 care;

13 [(c) *A premature birth, unexpected adoption or unexpected foster placement; or*]

14 [(d)] (b) The death of a family member[.]; **or**

15 **(c) The leave is for the purpose described under ORS 659A.162 (3).**

16 (3) If an employee commences leave without prior notice under subsection (2) of this section, the
17 employee must give oral notice to the employer within 24 hours of the commencement of the leave,
18 and must provide the written notice required by subsection (1) of this section within three days after
19 the employee returns to work. The oral notice required by this subsection may be given by any
20 other person on behalf of the employee taking the leave.

21 (4) Except as provided in this subsection, if the employee fails to give notice as required by
22 subsections (1) and (3) of this section, the employer may reduce the total period of family leave au-
23 thorized by ORS 659A.162 by three weeks, and the employee may be subject to disciplinary action
24 under a uniformly applied policy or practice of the employer. A reduction of family leave under this
25 subsection may not limit leave described in ORS 659A.159 [(1)(e)] **(1)(b)**.

26 **SECTION 11.** ORS 659A.168 is amended to read:

27 659A.168. (1) Except as provided in subsection (2) of this section, a covered employer may re-
28 quire medical verification from a health care provider of the need for the leave if the leave is for
29 a purpose described in ORS 659A.159 [(1)(b) to (d)] **(1)(a)** other than to care for a child who requires
30 home care due to the closure of the child's school or child care provider as a result of a public
31 health emergency, **or if the leave is for the purpose described in ORS 659A.162 (3)**. If an em-
32 ployee is required to give notice under ORS 659A.165 (1), the employer may require that medical
33 verification be provided by the employee before the leave period commences. If the employee com-
34 mences family leave without prior notice pursuant to ORS 659A.165 (2), the medical verification
35 must be provided by the employee within 15 days after the employer requests the medical verifica-
36 tion. [*The employer may require an employee to obtain the opinion of a second health care provider*
37 *designated by the employer, at the employer's expense. If the opinion of the second health care provider*
38 *conflicts with the medical verification provided by the employee, the employer may require the two*
39 *health care providers to designate a third health care provider to provide an opinion at the employer's*
40 *expense. The opinion of the third health care provider shall be final and binding on the employer and*
41 *employee. In addition to the medical verifications provided for in this subsection, an employer may re-*
42 *quire subsequent medical verification on a reasonable basis.]*

43 (2) A covered employer may require medical verification for leave taken for the purpose de-
44 scribed in ORS 659A.159 [(1)(d)] **(1)(a)**, other than to care for a child who requires home care due
45 to the closure of the child's school or child care provider as a result of a public health emergency,

1 only after an employee has taken more than three days of leave under ORS 659A.159 [(1)(d)] (1)(a)
2 during any one-year period. Any medical verification required under this subsection must be paid for
3 by the covered employer. An employer may not require an employee to obtain the opinion of a sec-
4 ond health care provider for the purpose of medical verification required under this subsection.

5 (3) A covered employer may request verification for the need for leave for the purpose in ORS
6 659A.159 [(1)(d)] (1)(a) to care for a child who requires home care due to the closure of the child's
7 school or child care provider as a result of a public health emergency. A request for verification
8 may include a request for:

9 (a) The name of the child requiring home care;

10 (b) The name of the school or child care provider that is subject to closure;

11 (c) A statement from the employee that no other family member of the child is willing and able
12 to care for the child; and

13 (d) A statement that special circumstances exist that require the employee to provide home care
14 for the child during the day, if the child is older than 14 years of age.

15 [(4) *Subject to the approval of the health care provider, the employee taking family leave for a se-*
16 *rious health condition of the employee or a family member of the employee shall make a reasonable*
17 *effort to schedule medical treatment or supervision at times that will minimize disruption of the*
18 *employer's operations.*]

19
20 (Temporary Provisions)

21
22 **SECTION 12.** Section 13 of this 2024 Act is added to and made a part of ORS 659A.150 to
23 659A.186.

24 **SECTION 13.** (1) In addition to the 12 weeks of family leave authorized by ORS 659A.162
25 (1), an eligible employee is entitled to a total of two weeks of leave to effectuate the legal
26 process required for placement of a foster child or the adoption of a child.

27 (2) Notwithstanding ORS 659A.165 (1), an eligible employee shall provide oral notice to the
28 covered employer within 24 hours of the commencement of leave under this section, and
29 must provide written notice to the employer within three days after the employee returns
30 to work.

31
32 CONFORMING AMENDMENTS

33
34 **SECTION 14.** ORS 657B.025 is amended to read:

35 657B.025. Any family leave or medical leave taken under this chapter must be taken concur-
36 rently with any leave taken by an eligible employee [*under ORS 659A.150 to 659A.186 or*] under the
37 federal Family and Medical Leave Act of 1993 (P.L. 103-3) for the same purposes.

38 **SECTION 15.** ORS 659A.150 is amended to read:

39 659A.150. As used in ORS 659A.150 to 659A.186:

40 (1) "Covered employer" means an employer described in ORS 659A.153.

41 (2) "Eligible employee" means any employee of a covered employer other than those employees
42 exempted under the provisions of ORS 659A.156.

43 (3) "Family leave" means a leave of absence described in ORS [659A.159] **659A.150 to**
44 **659A.186**, except that "family leave" does not include leave taken by an eligible employee who is
45 unable to work because of a disabling compensable injury, as defined in ORS 656.005, under ORS

1 chapter 656.

2 (4) “Family member” means:

3 (a) The spouse of [*a covered individual*] **an eligible employee**;

4 (b) A child of [*a covered individual*] **an eligible employee** or the child’s spouse or domestic
5 partner;

6 (c) A parent of [*a covered individual*] **an eligible employee** or the parent’s spouse or domestic
7 partner;

8 (d) A sibling or stepsibling of [*a covered individual*] **an eligible employee** or the sibling’s or
9 stepsibling’s spouse or domestic partner;

10 (e) A grandparent of [*a covered individual*] **an eligible employee** or the grandparent’s spouse
11 or domestic partner;

12 (f) A grandchild of [*a covered individual*] **an eligible employee** or the grandchild’s spouse or
13 domestic partner;

14 (g) The domestic partner of [*a covered individual*] **an eligible employee**; or

15 (h) Any individual related by blood or affinity whose close association with [*a covered*
16 *individual*] **an eligible employee** is the equivalent of a family relationship.

17 (5) “Health care provider” means:

18 (a) A person who is primarily responsible for providing health care to an eligible employee or
19 a family member of an eligible employee, who is performing within the scope of the person’s pro-
20 fessional license or certificate and who is:

21 (A) A physician licensed under ORS chapter 677;

22 (B) A physician assistant licensed under ORS 677.505 to 677.525;

23 (C) A dentist licensed under ORS 679.090;

24 (D) A psychologist licensed under ORS 675.030;

25 (E) An optometrist licensed under ORS 683.070;

26 (F) A naturopath licensed under ORS 685.080;

27 (G) A registered nurse licensed under ORS 678.050;

28 (H) A nurse practitioner licensed under ORS 678.375;

29 (I) A direct entry midwife licensed under ORS 687.420;

30 (J) A licensed registered nurse licensed by the Oregon State Board of Nursing as a nurse prac-
31 titioner specializing in nurse midwifery;

32 (K) A regulated social worker authorized to practice regulated social work under ORS 675.510
33 to 675.600; or

34 (L) A chiropractic physician licensed under ORS 684.054, but only to the extent the chiropractic
35 physician provides treatment consisting of manual manipulation of the spine to correct a subluxation
36 demonstrated to exist by X-rays.

37 (b) A person who is primarily responsible for the treatment of an eligible employee or a family
38 member of an eligible employee solely through spiritual means, including but not limited to a
39 Christian Science practitioner.

40 (6) “Public health emergency” means:

41 (a) A public health emergency declared under ORS 433.441.

42 (b) An emergency declared under ORS 401.165 if related to a public health emergency as defined
43 in ORS 433.442.

44 [(7) “*Serious health condition*” means:]

45 [(a) *An illness, injury, impairment or physical or mental condition that requires inpatient care in*

1 *a hospital, hospice or residential medical care facility;*

2 *[(b) An illness, disease or condition that in the medical judgment of the treating health care pro-*
3 *vider poses an imminent danger of death, is terminal in prognosis with a reasonable possibility of death*
4 *in the near future, or requires constant care;]*

5 *[(c) Any period of disability due to pregnancy, or period of absence for prenatal care; or]*

6 *[(d) Any period of absence for the donation of a body part, organ or tissue, including preoperative*
7 *or diagnostic services, surgery, post-operative treatment and recovery.]*

8 **SECTION 16.** ORS 659A.156 is amended to read:

9 659A.156. (1) All employees of a covered employer are eligible to take leave for *[one]* **any** of the
10 purposes specified in ORS *[659A.159 (1)(b) to (e)]* **659A.150 to 659A.186** except:

11 (a) An employee who was employed by the covered employer for fewer than 180 days imme-
12 diately before the date on which the family leave would commence.

13 (b) An employee who worked an average of fewer than 25 hours per week for the covered em-
14 ployer during the 180 days immediately preceding the date on which the family leave would com-
15 mence.

16 *[(2) All employees of a covered employer are eligible to take leave for the purpose specified in ORS*
17 *659A.159 (1)(a) except an employee who was employed by the covered employer for fewer than 180 days*
18 *immediately before the date on which the family leave would commence.]*

19 *[(3)]* **(2)** Notwithstanding *[subsections (1) and (2)]* **subsection (1)** of this section, all employees
20 of a covered employer are eligible to take leave for *[one]* **any** of the purposes specified in ORS
21 *[659A.159 (1)(a) to (e)]* **659A.150 to 659A.186** during a period of time covered by a public health
22 emergency except:

23 (a) An employee who worked for the covered employer for fewer than 30 days immediately be-
24 fore the date on which the family leave would commence; or

25 (b) An employee who worked for the covered employer for an average of fewer than 25 hours
26 per week in the 30 days immediately before the date on which the family leave would commence.

27 *[(4)(a)]* **(3)(a)** Notwithstanding *[subsections (1) and (2)]* **subsection (1)** of this section, an em-
28 ployee of a covered employer is eligible to take leave for *[one]* **any** of the purposes specified in ORS
29 *[659A.159 (1)(a) to (e)]* **659A.150 to 659A.186** if the employee:

30 (A)(i) Separates from employment with the covered employer, irrespective of any reason;

31 (ii) Is eligible to take leave under subsection (1) *[or (2)]* of this section at the time the employee
32 separates; and

33 (iii) Is reemployed by the covered employer within 180 days of separation from employment; or

34 (B)(i) Is eligible to take leave under subsection (1) *[or (2)]* of this section at the beginning of a
35 temporary cessation of scheduled hours of 180 days or less; and

36 (ii) Returns to work at the end of the temporary cessation of scheduled hours of 180 days or less.

37 (b) Any family leave taken by the employee within any one-year period continues to count
38 against the length of time of family leave the employee is entitled under ORS 659A.162.

39 (c) The amount of time that an employee is deemed to have worked for a covered employer prior
40 to a break in service due to a separation from employment or a temporary cessation of scheduled
41 hours shall be restored to the employee when the employee is reemployed by the employer within
42 180 days of separation from employment or when the employee returns to work at the end of the
43 temporary cessation of scheduled hours of 180 days or less.

44 **SECTION 17.** ORS 659A.171 is amended to read:

45 659A.171. (1) After returning to work after taking family leave under the provisions of ORS

1 659A.150 to 659A.186, an eligible employee is entitled to be restored to the position of employment
2 held by the employee when the leave commenced if that position still exists, without regard to
3 whether the employer filled the position with a replacement worker during the period of family
4 leave. If the position held by the employee at the time family leave commenced no longer exists, the
5 employee is entitled to be restored to any available equivalent position with equivalent employment
6 benefits, pay and other terms and conditions of employment. If an equivalent position is not avail-
7 able at the job site of the employee's former position, the employer shall offer the employee an
8 equivalent position at a job site located within 50 miles of the job site of the employee's former
9 position, if such a position is available. If equivalent positions are available at multiple job sites, the
10 employer shall first offer the employee the position at the job site that is nearest to the job site of
11 the employee's former position.

12 (2) Except for employee benefits used during the period of leave, the taking of family leave under
13 ORS 659A.150 to 659A.186 shall not result in the loss of any employment benefit accrued before the
14 date on which the leave commenced.

15 (3) This section does not entitle any employee to:

16 (a) Any accrual of seniority or employment benefits during a period of family leave; or

17 (b) Any right, benefit or position of employment other than the rights, benefits and position that
18 the employee would have been entitled to had the employee not taken the family leave.

19 (4)(a) Before restoring an employee to a position under subsection (1) of this section, an em-
20 ployer may require that the employee receive certification from the employee's health care provider
21 that the employee is able to resume work. Certification under this subsection may only be required
22 pursuant to a uniformly applied practice or policy of the employer.

23 (b) This subsection does not affect the ability of an employer to require an employee during a
24 period of family leave to report periodically to the employer on the employee's status and on the
25 employee's intention to return to work.

26 (5)(a) Except as provided in paragraph (b) of this subsection, benefits are not required to con-
27 tinue to accrue during a period of family leave unless continuation or accrual is required under an
28 agreement of the employer and the employee, a collective bargaining agreement or an employer
29 policy.

30 (b) If the employee is provided group health insurance, the employee is entitled to the contin-
31 uation of group health insurance coverage during the period of family leave on the same terms as
32 if the employee had continued to work. If family member coverage is provided to the employee,
33 family member coverage must be maintained during the period of family leave. The employee must
34 continue to make any regular contributions to the cost of the health insurance premiums.

35 (c) Notwithstanding ORS 652.610 (3) and except as provided in paragraph (b) of this subsection,
36 if the employer is required or elects to pay any part of the costs of providing disability, life or other
37 insurance coverage for an employee during the period of family leave that should have been paid
38 by the employee, the employer may deduct from the employee's pay such amounts upon the
39 employee's return to work until the amount the employer advanced toward the payments is paid. In
40 no event may the total amount deducted for insurance under the provisions of this subsection exceed
41 10 percent of the employee's gross pay each pay period.

42 (6) Notwithstanding ORS 652.610 (3), if the employer pays any part of the costs of health, disa-
43 bility, life or other insurance coverage for an employee under the provisions of subsection (5) of this
44 section, and the employee does not return to employment with the employer after taking family
45 leave, the employer may deduct amounts paid by the employer from any amounts owed by the em-

1 ployer to the employee, or may seek to recover those amounts by any other legal means, unless the
2 employee fails to return to work because of[:]

3 [(a) *A continuation, reoccurrence or onset of a serious health condition that would entitle the em-*
4 *ployee to leave for one of the purposes specified by ORS 659A.159 (1)(b) or (c); or]*

5 [(b) *Other*] circumstances beyond the control of the employee.

6 **SECTION 18.** ORS 659A.177 is amended to read:

7 659A.177. [(1) *Notwithstanding any other provision of ORS 659A.150 to 659A.186, if a teacher re-*
8 *quests leave for one of the purposes specified in ORS 659A.159 (1)(b) or (c), the need for the leave is*
9 *foreseeable, and the employee will be on leave for more than 20 percent of the total number of working*
10 *days in the period during which the leave would extend, the employer of the teacher may require that*
11 *the employee elect one of the two following options:]*

12 [(a) *The employee may elect to take leave for a period or periods of a particular duration, not to*
13 *exceed the duration of the anticipated medical treatment; or]*

14 [(b) *The employee may elect to transfer temporarily to an available alternative position that better*
15 *accommodates recurring periods of leave than the regular position of the employee. The teacher must*
16 *be qualified for the alternative position, and the position must have pay and benefits that are equivalent*
17 *to the pay and benefits of the employee's regular position.]*

18 [(2) *Notwithstanding any other provision of ORS 659A.150 to 659A.186, if a teacher commences a*
19 *period of family leave for the purpose specified in ORS 659A.159 (1)(c) more than five weeks before the*
20 *end of an academic term, the employer of the teacher may require that the employee continue on family*
21 *leave until the end of the term if:]*

22 [(a) *The leave is of at least three weeks' duration; and]*

23 [(b) *The employee's return to employment would occur during the three-week period before the end*
24 *of the term.]*

25 [(3) *Notwithstanding any other provision of ORS 659A.150 to 659A.186, if a teacher commences a*
26 *period of family leave for one of the purposes specified in ORS 659A.159 (1)(a) or (b) during the five*
27 *weeks before the end of an academic term, the employer of the teacher may require that the employee*
28 *continue on family leave until the end of the term if:]*

29 [(a) *The leave is of at least two weeks' duration; and]*

30 [(b) *The employee's return to employment would occur during the two-week period before the end*
31 *of the term.]*

32 [(4)] (1) Notwithstanding any other provision of ORS 659A.150 to 659A.186, if a teacher com-
33 mences a period of family leave for [one of the purposes] **the purpose** specified in ORS 659A.159
34 [(1)(a), (b) or (e)] (1)(b) during the three-week period before the end of the term, and the duration
35 of the leave is greater than five working days, the employer of the teacher may require that the
36 employee continue on family leave until the end of the term.

37 [(5)] (2) The provisions of this section apply only to an employee who is employed principally
38 in an instructional capacity by a public kindergarten, elementary school, secondary school or edu-
39 cation service district.

40 **SECTION 19.** ORS 659A.186 is amended to read:

41 659A.186. (1) ORS 659A.150 to 659A.186 do not limit any right of an employee to any leave that
42 is similar to the leave described in ORS 659A.159 (1) and to which the employee may be entitled
43 under any agreement between the employer and the employee, collective bargaining agreement or
44 employer policy.

45 (2) ORS 659A.150 to 659A.186 shall be construed to the extent possible in a manner that is

1 consistent with any similar provisions of the federal Family and Medical Leave Act of 1993. If family
2 leave taken under ORS 659A.150 to 659A.186 qualifies as protected leave pursuant to the federal
3 Family and Medical Leave Act of 1993 (P.L. 103-3) [*or qualifies as family leave or medical leave taken*
4 *pursuant to ORS chapter 657B*], family leave taken under ORS 659A.150 to 659A.186 must be taken
5 concurrently with, and not in addition to, any leave taken under the federal Family and Medical
6 Leave Act of 1993 (P.L. 103-3) [*and under ORS chapter 657B*].

7
8 **MISCELLANEOUS**

9
10 **SECTION 20. The unit captions used in this 2024 Act are provided only for the conven-**
11 **ience of the reader and do not become part of the statutory law of this state or express any**
12 **legislative intent in the enactment of this 2024 Act.**

13
14 **REPEALS**

15
16 **SECTION 21. (1) Section 1 of this 2024 Act is repealed on December 31, 2025.**

17 **(2) Section 13 of this 2024 Act is repealed on January 1, 2025.**

18
19 **OPERATIVE DATES**

20
21 **SECTION 22. (1) Sections 12 and 13 of this 2024 Act and the amendments to ORS 653.455,**
22 **657B.010, 657B.020, 657B.025, 657B.030, 657B.050, 659A.150, 659A.156, 659A.159, 659A.162,**
23 **659A.165, 659A.168, 659A.171, 659A.177 and 659A.186 by sections 2, 3, 5 to 11 and 14 to 19 of this**
24 **2024 Act become operative on July 1, 2024.**

25 **(2) The amendments to ORS 657B.010 by section 4 of this 2024 Act become operative on**
26 **January 1, 2025.**

27 **(3) Notwithstanding the operative date specified in subsection (1) of this section, the**
28 **Bureau of Labor and Industries and the Employment Department may take any action before**
29 **the operative date specified in subsection (1) of this section that is necessary for the bureau**
30 **and the department to exercise, on and after the operative date specified in subsection (1)**
31 **of this section, all of the duties, functions and powers conferred on the bureau and the de-**
32 **partment by sections 12 and 13 and the amendments to ORS 653.455, 657B.010, 657B.020,**
33 **657B.025, 657B.030, 657B.050, 659A.150, 659A.156, 659A.159, 659A.162, 659A.165, 659A.168,**
34 **659A.171, 659A.177 and 659A.186 by sections 2, 3, 5 to 11 and 14 to 19 of this 2024 Act.**

35
36 **EFFECTIVE DATE**

37
38 **SECTION 23. This 2024 Act being necessary for the immediate preservation of the public**
39 **peace, health and safety, an emergency is declared to exist, and this 2024 Act takes effect**
40 **on its passage.**