

SB 1515-1  
(LC 277)  
2/1/24 (JAS/ps)

Requested by SENATE COMMITTEE ON LABOR AND BUSINESS

**PROPOSED AMENDMENTS TO  
SENATE BILL 1515**

1 On page 1 of the printed bill, delete lines 3 through 5 and insert  
2 “657B.010, 657B.020, 657B.025, 657B.030, 657B.050, 659A.150, 659A.156,  
3 659A.159, 659A.162, 659A.165, 659A.168, 659A.171, 659A.177 and 659A.186; and  
4 declaring an emergency.”.

5 Delete lines 8 through 25 and delete pages 2 through 15 and insert:  
6

7 **“ADMINISTRATION AND REPORTING**  
8

9 **“SECTION 1. (1) No later than September 15, 2024, the Director of**  
10 **the Employment Department shall report to an interim committee of**  
11 **the Legislative Assembly related to labor and business information on**  
12 **the payment of benefits under ORS chapter 657B to seasonal employees**  
13 **and persons employed through hiring halls.**

14 **“(2) No later than September 15, 2024, the Bureau of Labor and In-**  
15 **dustries and the Employment Department shall jointly report to an**  
16 **interim committee of the Legislative Assembly related to labor and**  
17 **business on the apportionment of duties between the Bureau of Labor**  
18 **and Industries and the Employment Department regarding the pro-**  
19 **ected leave provisions of ORS chapters 657B and 659A, including:**

20 **“(a) The current roles and responsibilities of the agencies with re-**  
21 **spect to:**



1 of the base year of a previously filed valid claim, a period of 53 consecutive  
2 weeks beginning on the Sunday immediately preceding the date on which  
3 family leave, medical leave or safe leave commences.

4 “(6) ‘Child’ means:

5 “(a) A biological child, adopted child, stepchild or foster child of a cov-  
6 ered individual or of the covered individual’s spouse or domestic partner;

7 “(b) A person who is or was a legal ward of a covered individual or of  
8 the covered individual’s spouse or domestic partner; or

9 “(c) A person who is or was in a relationship of in loco parentis with a  
10 covered individual or with the covered individual’s spouse or domestic part-  
11 ner.

12 “(7) ‘Claimant’ means an individual who has submitted an application or  
13 established a claim for benefits.

14 “(8) ‘Contribution’ or ‘contributions’ means the money payments made by  
15 any of the following under ORS 657B.150:

16 “(a) An employer;

17 “(b) An employee;

18 “(c) A self-employed individual;

19 “(d) A tribal government; or

20 “(e) An employee of a tribal government.

21 “(9) ‘Covered individual’ means any one of the following who qualifies  
22 under ORS 657B.015 to receive family and medical leave insurance benefits:

23 “(a) An eligible employee;

24 “(b) A self-employed individual; or

25 “(c) An employee of a tribal government.

26 “(10) ‘Domestic partner’ means an individual joined in a domestic part-  
27 nership.

28 “(11) ‘Domestic partnership’ has the meaning given that term in ORS  
29 106.310.

30 “(12) ‘Eligible employee’ means:

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

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

6       “(b) An employee to whom paid family and medical leave insurance ben-  
7 efits may be available under ORS 657B.015.

8       “(13) ‘Eligible employee’s average weekly wage’ means an amount calcu-  
9 lated by the Director of the Employment Department by dividing the total  
10 wages earned by an eligible employee during the base year by the number  
11 of weeks in the base year.

12       “(14)(a) ‘Employee’ means:

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

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

16       “(b) ‘Employee’ does not include:

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

18       “(B) A participant in a work training program administered under a state  
19 or federal assistance program.

20       “(C) A participant in a work-study program that provides students in  
21 secondary or postsecondary educational institutions with employment op-  
22 portunities for financial assistance or vocational training.

23       “(D) A railroad worker exempted under the federal Railroad Unemploy-  
24 ment Insurance Act.

25       “(E) A volunteer.

26       “(F) A judge as defined in ORS 260.005.

27       “(G) A member of the Legislative Assembly.

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

29       “(15)(a) ‘Employer’ means any person that employs one or more employees  
30 working anywhere in this state or any agent or employee of such person to

1 whom the duties of the person under this chapter have been delegated.

2 “(b) ‘Employer’ includes:

3 “(A) A political subdivision of this state or any county, city, district,  
4 authority or public corporation, or any instrumentality of a county, city,  
5 district, authority or public corporation, organized and existing under law  
6 or charter;

7 “(B) An individual;

8 “(C) Any type of organization, corporation, partnership, limited liability  
9 company, association, trust, estate, joint stock company or insurance com-  
10 pany;

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

13 “(E) A trustee, trustee in bankruptcy or receiver; or

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

15 “(c) ‘Employer’ does not include the federal government or a tribal gov-  
16 ernment.

17 “(16) ‘Employment agency’ has the meaning given that term in ORS  
18 658.005.

19 “(17) ‘Family and medical leave insurance benefits’ means the wage re-  
20 placement benefits that are available to a covered individual under ORS  
21 657B.050 or under the terms of an employer plan approved under ORS  
22 657B.210, for family leave, medical leave or safe leave.

23 “(18)(a) ‘Family leave’ means leave from work taken by a covered indi-  
24 vidual:

25 “(A) To care for and bond with a child during the first year after the  
26 child’s birth or during the first year after the placement of the child through  
27 foster care or adoption; or

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

29 “(b) ‘Family leave’ does not mean:

30 “(A) Leave described in ORS 659A.159 [(1)(d)] **(1)(a) except for leave to**

1 **care for a child who requires home care due to an illness, injury or**  
2 **condition that is a serious health condition;**

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

4 “(C) Leave authorized under ORS 659A.093.

5 “(19) ‘Family member’ means:

6 “(a) The spouse of a covered individual;

7 “(b) A child [*of a covered individual*] or the child’s spouse or domestic  
8 partner;

9 “(c) A parent [*of a covered individual*] or the parent’s spouse or domestic  
10 partner;

11 “(d) A sibling or stepsibling of a covered individual or the sibling’s or  
12 stepsibling’s spouse or domestic partner;

13 “(e) A grandparent of a covered individual or the grandparent’s spouse  
14 or domestic partner;

15 “(f) A grandchild of a covered individual or the grandchild’s spouse or  
16 domestic partner;

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

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

20 “(20) ‘Medical leave’ means leave from work taken by a covered individual  
21 that is made necessary by the individual’s own serious health condition.

22 “(21) ‘Parent’ means:

23 “(a) A biological parent, adoptive parent, stepparent or foster parent of  
24 a covered individual;

25 “(b) A person who was a foster parent of a covered individual when the  
26 covered individual was a minor;

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

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

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

3 “(22) ‘Safe leave’ means leave taken for any purpose described in ORS  
4 659A.272.

5 “(23) ‘Self-employed individual’ means:

6 “(a) An individual who has self-employment income as defined in section  
7 1402(b) of the Internal Revenue Code as amended and in effect on December  
8 31, 2022; or

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

10 “(24) ‘Serious health condition’ [*has the meaning given that term in ORS*  
11 *659A.150.*] **means:**

12 “(a) **An illness, injury, impairment or physical or mental condition**  
13 **that requires inpatient care in a hospital, hospice or residential med-**  
14 **ical care facility;**

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

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

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

24 “(25) ‘Third party administrator’ means a third party that enters into an  
25 agreement with the Director of the Employment Department to implement  
26 and administer the paid family and medical leave program established under  
27 this chapter.

28 “(26) ‘Tribal government’ [*has the meaning given that term in ORS*  
29 *181A.940.*] **means:**

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

1       **“(b) A federally recognized Indian tribe.**

2       “(27)(a) ‘Wages’ has the meaning given that term in ORS 657.105.

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

6       **“SECTION 3.** ORS 657B.010, as amended by section 2 of this 2024 Act,  
7 is amended to read:

8       “657B.010. As used in this chapter:

9       “(1) ‘Alternate base year’ means the last four completed calendar quarters  
10 preceding the benefit year.

11       “(2) ‘Average weekly wage’ means the amount calculated by the Employ-  
12 ment Department as the state average weekly covered wage under ORS  
13 657.150 (4)(e) as determined not more than once per year.

14       “(3) ‘Base year’ means the first four of the last five completed calendar  
15 quarters preceding the benefit year.

16       “(4) ‘Benefits’ means family and medical leave insurance benefits.

17       “(5)(a) ‘Benefit year’ means, except as provided in paragraph (b) of this  
18 subsection, a period of 52 consecutive weeks beginning on the Sunday im-  
19 mediately preceding the date on which family leave, medical leave or safe  
20 leave commences.

21       “(b) ‘Benefit year’ means, in the event that the 52-week period described  
22 in paragraph (a) of this subsection would result in an overlap of any quarter  
23 of the base year of a previously filed valid claim, a period of 53 consecutive  
24 weeks beginning on the Sunday immediately preceding the date on which  
25 family leave, medical leave or safe leave commences.

26       “(6) ‘Child’ means:

27       “(a) A biological child, adopted child, stepchild or foster child of a cov-  
28 ered individual or of the covered individual’s spouse or domestic partner;

29       “(b) A person who is or was a legal ward of a covered individual or of  
30 the covered individual’s spouse or domestic partner; or



1 “(c) A person who is or was in a relationship of in loco parentis with a  
2 covered individual or with the covered individual’s spouse or domestic part-  
3 ner.

4 “(7) ‘Claimant’ means an individual who has submitted an application or  
5 established a claim for benefits.

6 “(8) ‘Contribution’ or ‘contributions’ means the money payments made by  
7 any of the following under ORS 657B.150:

8 “(a) An employer;

9 “(b) An employee;

10 “(c) A self-employed individual;

11 “(d) A tribal government; or

12 “(e) An employee of a tribal government.

13 “(9) ‘Covered individual’ means any one of the following who qualifies  
14 under ORS 657B.015 to receive family and medical leave insurance benefits:

15 “(a) An eligible employee;

16 “(b) A self-employed individual; or

17 “(c) An employee of a tribal government.

18 “(10) ‘Domestic partner’ means an individual joined in a domestic part-  
19 nership.

20 “(11) ‘Domestic partnership’ has the meaning given that term in ORS  
21 106.310.

22 “(12) ‘Eligible employee’ means:

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

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

28 “(b) An employee to whom paid family and medical leave insurance ben-  
29 efits may be available under ORS 657B.015.

30 “(13) ‘Eligible employee’s average weekly wage’ means an amount calcu-

1 lated by the Director of the Employment Department by dividing the total  
2 wages earned by an eligible employee during the base year by the number  
3 of weeks in the base year.

4 “(14)(a) ‘Employee’ means:

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

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

8 “(b) ‘Employee’ does not include:

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

10 “(B) A participant in a work training program administered under a state  
11 or federal assistance program.

12 “(C) A participant in a work-study program that provides students in  
13 secondary or postsecondary educational institutions with employment op-  
14 portunities for financial assistance or vocational training.

15 “(D) A railroad worker exempted under the federal Railroad Unemploy-  
16 ment Insurance Act.

17 “(E) A volunteer.

18 “(F) A judge as defined in ORS 260.005.

19 “(G) A member of the Legislative Assembly.

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

21 “(15)(a) ‘Employer’ means any person that employs one or more employees  
22 working anywhere in this state or any agent or employee of such person to  
23 whom the duties of the person under this chapter have been delegated.

24 “(b) ‘Employer’ includes:

25 “(A) A political subdivision of this state or any county, city, district,  
26 authority or public corporation, or any instrumentality of a county, city,  
27 district, authority or public corporation, organized and existing under law  
28 or charter;

29 “(B) An individual;

30 “(C) Any type of organization, corporation, partnership, limited liability

1 company, association, trust, estate, joint stock company or insurance com-  
2 pany;

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

5 “(E) A trustee, trustee in bankruptcy or receiver; or

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

7 “(c) ‘Employer’ does not include the federal government or a tribal gov-  
8 ernment.

9 “(16) ‘Employment agency’ has the meaning given that term in ORS  
10 658.005.

11 “(17) ‘Family and medical leave insurance benefits’ means the wage re-  
12 placement benefits that are available to a covered individual under ORS  
13 657B.050 or under the terms of an employer plan approved under ORS  
14 657B.210, for family leave, medical leave or safe leave.

15 “(18)(a) ‘Family leave’ means leave from work taken by a covered indi-  
16 vidual:

17 “(A) To care for and bond with a child during the first year after the  
18 child’s birth or during the first year after the placement of the child through  
19 foster care or adoption; [*or*]

20 “(B) **To effectuate the legal process required for placement of a**  
21 **foster child or the adoption of a child; or**

22 “[*B*] (C) To care for a family member with a serious health condition.

23 “(b) ‘Family leave’ does not mean:

24 “(A) Leave described in ORS 659A.159 (1)(a) except for leave to care for  
25 a child who requires home care due to an illness, injury or condition that  
26 is a serious health condition;

27 “(B) Leave described in ORS 659A.159 (1)(b); or

28 “(C) Leave authorized under ORS 659A.093.

29 “(19) ‘Family member’ means:

30 “(a) The spouse of a covered individual;

1 “(b) A child or the child’s spouse or domestic partner;  
2 “(c) A parent or the parent’s spouse or domestic partner;  
3 “(d) A sibling or stepsibling of a covered individual or the sibling’s or  
4 stepsibling’s spouse or domestic partner;  
5 “(e) A grandparent of a covered individual or the grandparent’s spouse  
6 or domestic partner;  
7 “(f) A grandchild of a covered individual or the grandchild’s spouse or  
8 domestic partner;  
9 “(g) The domestic partner of a covered individual; or  
10 “(h) Any individual related by blood or affinity whose close association  
11 with a covered individual is the equivalent of a family relationship.  
12 “(20) ‘Medical leave’ means leave from work taken by a covered individual  
13 that is made necessary by the individual’s own serious health condition.  
14 “(21) ‘Parent’ means:  
15 “(a) A biological parent, adoptive parent, stepparent or foster parent of  
16 a covered individual;  
17 “(b) A person who was a foster parent of a covered individual when the  
18 covered individual was a minor;  
19 “(c) A person designated as the legal guardian of a covered individual at  
20 the time the covered individual was a minor or required a legal guardian;  
21 “(d) A person with whom a covered individual was or is in a relationship  
22 of in loco parentis; or  
23 “(e) A parent of a covered individual’s spouse or domestic partner who  
24 meets a description under paragraphs (a) to (d) of this subsection.  
25 “(22) ‘Safe leave’ means leave taken for any purpose described in ORS  
26 659A.272.  
27 “(23) ‘Self-employed individual’ means:  
28 “(a) An individual who has self-employment income as defined in section  
29 1402(b) of the Internal Revenue Code as amended and in effect on December  
30 31, 2022; or

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

2 “(24) ‘Serious health condition’ means:

3 “(a) An illness, injury, impairment or physical or mental condition that  
4 requires inpatient care in a hospital, hospice or residential medical care fa-  
5 cility;

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

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

12 “(d) Any period of absence for the donation of a body part, organ or tis-  
13 sue, including preoperative or diagnostic services, surgery, post-operative  
14 treatment and recovery.

15 “(25) ‘Third party administrator’ means a third party that enters into an  
16 agreement with the Director of the Employment Department to implement  
17 and administer the paid family and medical leave program established under  
18 this chapter.

19 “(26) ‘Tribal government’ means:

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

21 “(b) A federally recognized Indian tribe.

22 “(27)(a) ‘Wages’ has the meaning given that term in ORS 657.105.

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

26 “**SECTION 4.** ORS 657B.030 is amended to read:

27 “657B.030. (1) Family and medical leave insurance benefits are in addition  
28 to any paid sick time under ORS 653.606, vacation leave or other paid leave  
29 earned by an employee.

30 “(2) *[An employer may permit an employee to use all or a portion of paid*

1 *sick time, vacation leave or any other paid leave earned by the employee in*  
2 *addition to]* **An employee is entitled to use any accrued paid sick leave,**  
3 **accrued paid vacation leave or any other paid leave that is offered by**  
4 **the employer in addition to** receiving paid family and medical leave in-  
5 surance benefits during a period of leave taken for family leave, medical  
6 leave or safe leave.

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

12 “[3] (4) In any week in which an employee is eligible to receive workers’  
13 compensation **time loss benefits under ORS chapter 656** or unemployment  
14 benefits under ORS chapter [656 or] 657, the employee is disqualified from  
15 receiving family and medical leave insurance benefits.

16 **“SECTION 5.** ORS 657B.050 is amended to read:

17 “657B.050. (1) The Director of the Employment Department shall set the  
18 weekly benefit amount of family and medical leave insurance benefits that  
19 a covered individual qualifies for as follows:

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

23 “(b) If the eligible employee’s average weekly wage is greater than 65  
24 percent of the average weekly wage, the employee’s weekly benefit amount  
25 is the sum of:

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

27 “(B) 50 percent of the employee’s average weekly wage that is greater  
28 than 65 percent of the average weekly wage.

29 “(2) Notwithstanding subsection (1) of this section, the director shall es-  
30 tablish:

1 “(a) A maximum weekly benefit amount of 120 percent of the average  
2 weekly wage.

3 “(b) A minimum weekly benefit amount of five percent of the average  
4 weekly wage.

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

9 “(4) Benefits are payable only to the extent that moneys are available in  
10 the Paid Family and Medical Leave Insurance Fund for that purpose. The  
11 state, any political subdivision of the state and any state agency are not li-  
12 able for any amount in excess of this limit.

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

15 “(a) **Child or spousal support garnishments; and**

16 “(b) **Restitution for crime victims.**

17

18

## “ALIGNMENT

19

### “(Statutory Changes)

20

21 “**SECTION 6.** ORS 657B.020 is amended to read:

22 “657B.020. (1) A covered individual may qualify for up to 12 weeks of  
23 family and medical leave insurance benefits per benefit year for leave taken  
24 for any of the following purposes, in any combination:

25 “(a) Family leave;

26 “(b) Medical leave; or

27 “(c) Safe leave.

28 “[*(2) Notwithstanding ORS 657B.025 and except as provided under sub-*  
29 *section (3) of this section, a covered individual who has taken any amount of*  
30 *paid leave available under subsection (1) of this section may take a total of 16*

1 *weeks of leave in the benefit year in any combination of the paid leave avail-*  
2 *able under subsection (1) of this section, not to exceed 12 weeks, and unpaid*  
3 *leave under ORS 659A.159 for which the covered individual is eligible under*  
4 *ORS 659A.156. The leave may be taken for any purpose for which leave is al-*  
5 *lowable under the respective leave programs.]*

6 “~~[(3)]~~ **(2)** In addition to the leave available under [*subsections (1) and*  
7 *(2)]* **subsection (1)** of this section, a covered individual may qualify for up  
8 to two additional weeks of benefits for limitations related to pregnancy,  
9 childbirth or a related medical condition, including but not limited to  
10 lactation, for a total amount of leave under this subsection and [*subsections*  
11 *(1) and (2)]* **subsection (1)** of this section, not to exceed [~~18~~] **14** weeks per  
12 benefit year.

13 **“SECTION 7.** ORS 659A.159 is amended to read:

14 “659A.159. (1) Family leave under ORS 659A.150 to 659A.186 may be taken  
15 by an eligible employee for any of the following purposes:

16 “[*a*] *To care for an infant or newly adopted child under 18 years of age,*  
17 *or for a newly placed foster child under 18 years of age, or for an adopted or*  
18 *foster child older than 18 years of age if the child is incapable of self-care*  
19 *because of a mental or physical disability.]*

20 “[*b*] *To care for a family member with a serious health condition.]*

21 “[*c*] *To recover from or seek treatment for a serious health condition of the*  
22 *employee that renders the employee unable to perform at least one of the es-*  
23 *sential functions of the employee’s regular position.]*

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

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

29 “**(A)** *Attending the funeral or alternative to a funeral of the family*  
30 *member;*



1 “(B) Making arrangements necessitated by the death of the family mem-  
2 ber; or

3 “(C) Grieving the death of the family member.

4 “[~~(2)(a)~~ *Leave under subsection (1)(a) of this section must be completed*  
5 *within 12 months after birth or placement of the child, and an eligible em-*  
6 *ployee is not entitled to any period of family leave under subsection (1)(a) of*  
7 *this section after the expiration of 12 months after birth or placement of the*  
8 *child.*]

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

12 **“SECTION 8.** ORS 659A.162 is amended to read:

13 “659A.162. **(1)(a)** Except as specifically provided by ORS [~~657B.020 and~~]  
14 659A.150 to 659A.186, an eligible employee is entitled to up to a total of 12  
15 weeks of family leave **for a purpose described in ORS 659A.159** within any  
16 one-year period.

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

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

23 “(b) An eligible employee is entitled to the period of leave described in  
24 paragraph (a) of this subsection upon the death of each family member of the  
25 employee within any one-year period, except that leave taken as provided by  
26 this subsection may not exceed [*the total period of family leave authorized*  
27 *by subsection (1) of this section*] **a total of four weeks within any one-year**  
28 **period.**

29 “(c) A covered employer may not require an eligible employee to take  
30 multiple periods of leave described in ORS 659A.159 [~~(1)(e)~~] **(1)(b)** concur-

1 rently if more than one family member of the employee dies during the one-  
2 year period.

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

6 “(3)[(a)] In addition to the 12 weeks of family leave authorized by sub-  
7 section (1) of this section, an eligible employee may take a total of 12 weeks  
8 of leave within any one-year period for an illness, injury or condition related  
9 to the eligible employee’s own pregnancy or childbirth that disables the eli-  
10 gible employee from performing any available job duties offered by the cov-  
11 ered employer.

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

16 “(4) When two or more family members work for the same covered em-  
17 ployer, the eligible employees may not take concurrent family leave unless:

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

20 “[*(b)*] **(a)** One employee needs to care for a child [*who has a serious health*  
21 *condition*] **for a purpose described in ORS 659A.159 (1)(a)** while another  
22 employee [*who is a family member is also suffering from a serious health*  
23 *condition*] **is taking leave under subsection (3) of this section;** or

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

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

29 “[*(6) Leave need not be provided to an eligible employee by a covered em-*  
30 *ployer for the purpose specified in ORS 659A.159 (1)(d) if another family*

1 *member is available to care for the child.]*

2 “[~~(7)~~] (5) A covered employer may not reduce the amount of family leave  
3 available to an eligible employee under this section by any period the em-  
4 ployee is unable to work because of a disabling compensable injury.

5 “[~~(8)(a)~~] (6) The Commissioner of the Bureau of Labor and Industries shall  
6 adopt rules governing when family leave [*for a serious health condition of an*  
7 *eligible employee or a family member of the eligible employee*] may be taken  
8 intermittently or by working a reduced workweek. Rules adopted by the  
9 commissioner under this paragraph shall allow taking of family leave on an  
10 intermittent basis or by use of a reduced workweek to the extent permitted  
11 by federal law and to the extent that taking family leave on an intermittent  
12 basis or by use of a reduced workweek does not result in the loss of an eli-  
13 gible employee’s exempt status under the federal Fair Labor Standards Act.

14 “[~~(b)~~] *The commissioner shall adopt rules governing when family leave for*  
15 *the purposes described in ORS 659A.159 (1)(e) may be taken to the extent per-*  
16 *mitted by federal law and to the extent that taking family leave on an inter-*  
17 *mittent basis does not result in the loss of an eligible employee’s exempt status*  
18 *under the federal Fair Labor Standards Act.]*

19 **“SECTION 9.** ORS 659A.165 is amended to read:

20 “659A.165. [(1) *Except as provided in subsection (2) of this section, a cov-*  
21 *ered employer may require an eligible employee to give the employer written*  
22 *notice at least 30 days before commencing family leave. The employer may re-*  
23 *quire the employee to include an explanation of the need for the leave in the*  
24 *notice.*]

25 “[~~(2)~~] *An eligible employee may commence taking family leave without prior*  
26 *notice under the following circumstances:]*

27 “[~~(a)~~] *An unexpected serious health condition of an employee or family*  
28 *member of an employee;]*

29 “[~~(b)~~] *An unexpected illness, injury or condition of a child of the employee*  
30 *that requires home care;]*

1       “[(c) A premature birth, unexpected adoption or unexpected foster place-  
2       ment; or]

3       “[(d) The death of a family member.]

4       “[(3)] (1) [If an employee commences leave without prior notice under sub-  
5       section (2) of this section, the] **An eligible** employee must give oral notice to  
6       the employer within 24 hours of the commencement of [the] leave **under ORS**  
7       **659A.150 to 659A.186**, and must provide [the] written notice [required by  
8       subsection (1) of this section] within three days after the employee returns to  
9       work. The oral notice required by this subsection may be given by any other  
10      person on behalf of the employee taking the leave. **The employer may re-**  
11      **quire the eligible employee to include an explanation of the need for**  
12      **leave in the written notice.**

13      “[(4)] (2) Except as provided in this subsection, if the employee fails to  
14      give notice as required by [subsections (1) and (3) of] **subsection (1) of** this  
15      section, the employer may reduce the total period of family leave authorized  
16      by ORS 659A.162 by three weeks, and the employee may be subject to disci-  
17      plinary action under a uniformly applied policy or practice of the employer.  
18      A reduction of family leave under this subsection may not limit leave de-  
19      scribed in ORS 659A.159 [(1)(e)] (1)(b).

20      “**SECTION 10.** ORS 659A.168 is amended to read:

21      “659A.168. [(1) Except as provided in subsection (2) of this section, a cov-  
22      ered employer may require medical verification from a health care provider of  
23      the need for the leave if the leave is for a purpose described in ORS 659A.159  
24      (1)(b) to (d) other than to care for a child who requires home care due to the  
25      closure of the child’s school or child care provider as a result of a public  
26      health emergency. If an employee is required to give notice under ORS  
27      659A.165 (1), the employer may require that medical verification be provided  
28      by the employee before the leave period commences. If the employee commences  
29      family leave without prior notice pursuant to ORS 659A.165 (2), The medical  
30      verification must be provided by the employee within 15 days after the employer

1 *requests the medical verification. The employer may require an employee to*  
2 *obtain the opinion of a second health care provider designated by the employer,*  
3 *at the employer's expense. If the opinion of the second health care provider*  
4 *conflicts with the medical verification provided by the employee, the employer*  
5 *may require the two health care providers to designate a third health care*  
6 *provider to provide an opinion at the employer's expense. The opinion of the*  
7 *third health care provider shall be final and binding on the employer and*  
8 *employee. In addition to the medical verifications provided for in this sub-*  
9 *section, an employer may require subsequent medical verification on a reason-*  
10 *able basis.]*

11 “[2] (1) A covered employer may require medical verification for leave  
12 taken for the purpose described in ORS 659A.159 [(1)(d)] (1)(a), other than  
13 to care for a child who requires home care due to the closure of the child’s  
14 school or child care provider as a result of a public health emergency, only  
15 after an employee has taken more than three days of leave under ORS  
16 659A.159 [(1)(d)] (1)(a) during any one-year period. **The medical verifica-**  
17 **tion must be provided by the employee within 15 days after the em-**  
18 **ployer requests the medical verification.** Any medical verification  
19 required under this subsection must be paid for by the covered employer. An  
20 employer may not require an employee to obtain the opinion of a second  
21 health care provider for the purpose of medical verification required under  
22 this subsection.

23 “[3] (2) A covered employer may request verification for the need for  
24 leave for the purpose in ORS 659A.159 [(1)(d)] (1)(a) to care for a child who  
25 requires home care due to the closure of the child’s school or child care  
26 provider as a result of a public health emergency. A request for verification  
27 may include a request for:

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

29 “(b) The name of the school or child care provider that is subject to clo-  
30 sure;

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

3 “(d) A statement that special circumstances exist that require the em-  
4 ployee to provide home care for the child during the day, if the child is older  
5 than 14 years of age.

6 “[4] *Subject to the approval of the health care provider, the employee tak-*  
7 *ing family leave for a serious health condition of the employee or a family*  
8 *member of the employee shall make a reasonable effort to schedule medical*  
9 *treatment or supervision at times that will minimize disruption of the*  
10 *employer’s operations.]*

11

12 “(Temporary Provisions)

13

14 “**SECTION 11.** Section 12 of this 2024 Act is added to and made a  
15 part of ORS 659A.150 to 659A.186.

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

20

21 “CONFORMING AMENDMENTS

22

23 “**SECTION 13.** ORS 657B.025 is amended to read:

24 “657B.025. Any family leave or medical leave taken under this chapter  
25 must be taken concurrently with any leave taken by an eligible employee  
26 [under ORS 659A.150 to 659A.186 or] under the federal Family and Medical  
27 Leave Act of 1993 (P.L. 103-3) for the same purposes.

28 “**SECTION 14.** ORS 659A.150 is amended to read:

29 “659A.150. As used in ORS 659A.150 to 659A.186:

30 “(1) ‘Covered employer’ means an employer described in ORS 659A.153.

1 “(2) ‘Eligible employee’ means any employee of a covered employer other  
2 than those employees exempted under the provisions of ORS 659A.156.

3 “(3) ‘Family leave’ means a leave of absence described in ORS [659A.159]  
4 **659A.150 to 659A.186**, except that ‘family leave’ does not include leave taken  
5 by an eligible employee who is unable to work because of a disabling  
6 compensable injury, as defined in ORS 656.005, under ORS chapter 656.

7 “(4) ‘Family member’ means:

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

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

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

13 “(d) A sibling or stepsibling of [*a covered individual*] **an eligible em-  
14 ployee** or the sibling’s or stepsibling’s spouse or domestic partner;

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

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

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

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

24 “(5) ‘Health care provider’ means:

25 “(a) A person who is primarily responsible for providing health care to  
26 an eligible employee or a family member of an eligible employee, who is  
27 performing within the scope of the person’s professional license or certificate  
28 and who is:

29 “(A) A physician licensed under ORS chapter 677;

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

1 “(C) A dentist licensed under ORS 679.090;  
2 “(D) A psychologist licensed under ORS 675.030;  
3 “(E) An optometrist licensed under ORS 683.070;  
4 “(F) A naturopath licensed under ORS 685.080;  
5 “(G) A registered nurse licensed under ORS 678.050;  
6 “(H) A nurse practitioner licensed under ORS 678.375;  
7 “(I) A direct entry midwife licensed under ORS 687.420;  
8 “(J) A licensed registered nurse licensed by the Oregon State Board of  
9 Nursing as a nurse practitioner specializing in nurse midwifery;  
10 “(K) A regulated social worker authorized to practice regulated social  
11 work under ORS 675.510 to 675.600; or  
12 “(L) A chiropractic physician licensed under ORS 684.054, but only to the  
13 extent the chiropractic physician provides treatment consisting of manual  
14 manipulation of the spine to correct a subluxation demonstrated to exist by  
15 X-rays.  
16 “(b) A person who is primarily responsible for the treatment of an eligible  
17 employee or a family member of an eligible employee solely through spiritual  
18 means, including but not limited to a Christian Science practitioner.  
19 “(6) ‘Public health emergency’ means:  
20 “(a) A public health emergency declared under ORS 433.441.  
21 “(b) An emergency declared under ORS 401.165 if related to a public  
22 health emergency as defined in ORS 433.442.  
23 “[7] ‘*Serious health condition*’ means:  
24 “[a] *An illness, injury, impairment or physical or mental condition that*  
25 *requires inpatient care in a hospital, hospice or residential medical care facil-*  
26 *ity;*]  
27 “[b] *An illness, disease or condition that in the medical judgment of the*  
28 *treating health care provider poses an imminent danger of death, is terminal*  
29 *in prognosis with a reasonable possibility of death in the near future, or re-*  
30 *quires constant care;*]



1       “[(c) Any period of disability due to pregnancy, or period of absence for  
2 prenatal care; or]

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

6       “**SECTION 15.** ORS 659A.156 is amended to read:

7       “659A.156. (1) All employees of a covered employer are eligible to take  
8 leave for [one] **any** of the purposes specified in ORS [659A.159 (1)(b) to (e)]  
9 **659A.150 to 659A.186** except:

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

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

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

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

25       “(a) An employee who worked for the covered employer for fewer than 30  
26 days immediately before the date on which the family leave would commence;  
27 or

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

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

5        “(A)(i) Separates from employment with the covered employer, irrespec-  
6 tive of any reason;

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

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

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

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

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

19        “(c) The amount of time that an employee is deemed to have worked for  
20 a covered employer prior to a break in service due to a separation from em-  
21 ployment or a temporary cessation of scheduled hours shall be restored to  
22 the employee when the employee is reemployed by the employer within 180  
23 days of separation from employment or when the employee returns to work  
24 at the end of the temporary cessation of scheduled hours of 180 days or less.

25        **“SECTION 16.** ORS 659A.171 is amended to read:

26        “659A.171. (1) After returning to work after taking family leave under the  
27 provisions of ORS 659A.150 to 659A.186, an eligible employee is entitled to  
28 be restored to the position of employment held by the employee when the  
29 leave commenced if that position still exists, without regard to whether the  
30 employer filled the position with a replacement worker during the period of

1 family leave. If the position held by the employee at the time family leave  
2 commenced no longer exists, the employee is entitled to be restored to any  
3 available equivalent position with equivalent employment benefits, pay and  
4 other terms and conditions of employment. If an equivalent position is not  
5 available at the job site of the employee's former position, the employer shall  
6 offer the employee an equivalent position at a job site located within 50  
7 miles of the job site of the employee's former position, if such a position is  
8 available. If equivalent positions are available at multiple job sites, the em-  
9 ployer shall first offer the employee the position at the job site that is  
10 nearest to the job site of the employee's former position.

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

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

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

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

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

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

30 “(5)(a) Except as provided in paragraph (b) of this subsection, benefits are

1 not required to continue to accrue during a period of family leave unless  
2 continuation or accrual is required under an agreement of the employer and  
3 the employee, a collective bargaining agreement or an employer policy.

4 “(b) If the employee is provided group health insurance, the employee is  
5 entitled to the continuation of group health insurance coverage during the  
6 period of family leave on the same terms as if the employee had continued  
7 to work. If family member coverage is provided to the employee, family  
8 member coverage must be maintained during the period of family leave. The  
9 employee must continue to make any regular contributions to the cost of the  
10 health insurance premiums.

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

20 “(6) Notwithstanding ORS 652.610 (3), if the employer pays any part of the  
21 costs of health, disability, life or other insurance coverage for an employee  
22 under the provisions of subsection (5) of this section, and the employee does  
23 not return to employment with the employer after taking family leave, the  
24 employer may deduct amounts paid by the employer from any amounts owed  
25 by the employer to the employee, or may seek to recover those amounts by  
26 any other legal means, unless the employee fails to return to work because  
27 of[:]

28 “[a) A continuation, reoccurrence or onset of a serious health condition  
29 that would entitle the employee to leave for one of the purposes specified by  
30 ORS 659A.159 (1)(b) or (c); or]

1 “[b] *Other*] circumstances beyond the control of the employee.

2 **“SECTION 17.** ORS 659A.177 is amended to read:

3 “659A.177. *[(1) Notwithstanding any other provision of ORS 659A.150 to*  
4 *659A.186, if a teacher requests leave for one of the purposes specified in ORS*  
5 *659A.159 (1)(b) or (c), the need for the leave is foreseeable, and the employee*  
6 *will be on leave for more than 20 percent of the total number of working days*  
7 *in the period during which the leave would extend, the employer of the teacher*  
8 *may require that the employee elect one of the two following options:]*

9 “[a] *The employee may elect to take leave for a period or periods of a*  
10 *particular duration, not to exceed the duration of the anticipated medical*  
11 *treatment; or]*

12 “[b] *The employee may elect to transfer temporarily to an available alter-*  
13 *native position that better accommodates recurring periods of leave than the*  
14 *regular position of the employee. The teacher must be qualified for the alter-*  
15 *native position, and the position must have pay and benefits that are equivalent*  
16 *to the pay and benefits of the employee’s regular position.]*

17 “[2] *Notwithstanding any other provision of ORS 659A.150 to 659A.186, if*  
18 *a teacher commences a period of family leave for the purpose specified in ORS*  
19 *659A.159 (1)(c) more than five weeks before the end of an academic term, the*  
20 *employer of the teacher may require that the employee continue on family leave*  
21 *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-*  
24 *week period before the end of the term.]*

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

30 “[a] *The leave is of at least two weeks’ duration; and]*





1 to 18 of this 2024 Act.

2

3

**“EFFECTIVE DATE**

4

5 **“SECTION 22. This 2024 Act being necessary for the immediate**  
6 **preservation of the public peace, health and safety, an emergency is**  
7 **declared to exist, and this 2024 Act takes effect on its passage.”.**

8

---