



A STRONG VOICE FOR OREGON'S WORKERS

To: Chair Taylor
Vice-Chair Bonham
Members of the Senate Labor and Business Committee
FR: Catie Theisen, Oregon AFL-CIO
RE: SB 1515 Paid Family Medical Leave Adjustments Testimony

February 6, 2024

The Oregon AFL-CIO represents 300,000 workers across Oregon and is a voice for all workers in the legislative process. As worker advocates, we helped pass Paid Family and Medical leave to make sure that workers across Oregon are able to take the time they need without fear of losing their job and livelihood.

We're supportive of several components of SB 1515-3, namely clarity and protections around bonding and pregnancy disability leave, clear changes in unpaid job protected leave when your child is sick, clarity on how workers comp and PFML eligibility interact with one another, a worker being able to use PTO to top-off their PFML benefits, and a directive to better understand how seasonal workers and those who work under hiring halls can and are taking PFML.

Having said that, I do want to put on the record a number of concerns that we have on how other elements of the bill will impact workers. We are looking forward to continuing to proactively work through and address these concerns with stakeholders, the agency, and legislature in the next year to make sure that workers are still able to meaningfully and realistically take the time they need without fear of losing their job and livelihood.

First, in getting rid of unpaid job-protected OFLA leave for bonding and medical purposes, some workers – namely those who are ineligible for the Federal unpaid job-protected leave (FMLA) because of the federal definition of “family,” because the worker has not been employed at their company for at least 12 months, or if there's not 50 or more employees – will be disproportionately impacted by this change, and leave their only option as PFML.

As PFML has come online, the agency has been doing incredible work to get the program up-and-running, however, there are still logistical and statutory barriers that make it extremely hard for many workers to access the benefits that simply don't exist in the same way under OFLA currently. If a worker had a sudden medical emergency, under current law to qualify for unpaid job protected leave, they simply have to notify their employer. To begin the qualification process for PFML, they have to submit an online application with several forms of verification. This is obviously a much more challenging process to trigger eligibility – particularly when coping with a medical or family emergency – and is made more challenging if the worker is not systems or technologically versed. Further, we have ongoing concerns about the education level around Paid Family and Medical Leave, particularly with currently and historically marginalized workers. Coupled with long wait times to triage their PFML benefits, this puts a lot of stress on workers to even begin the PFML process.



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That's why as OFLA leave for bonding and medical purposes disappears as an option for workers, we ask that the agency, legislators, businesses and community partners continue to do deep and intentional work to make sure that workers understand their rights under Oregon law.

Finally, a significant difference between OFLA and PFML in existing law is that workers are able to take OFLA in increments of less than one-day. This means that workers are able to take a family member to a medical appointment and not be at risk of being fired for doing so since it is job protected time. Under PFML, the system can currently only pay out benefits in increments of a day or more. As OFLA protections for bonding and medical purposes disappear, we imagine this will incentivize workers to either not take this time to care for themselves or a loved one at all, or incentivize taking a whole day of paid leave, when they do not actually need the whole day and would otherwise have been able to go back to work. This obviously disproportionately and adversely impacts hourly workers and caregivers primarily.

We're happy to see some language in the -3s directing the agency to report back on programmatic changes needed to the system, however, we anticipate that this will be a significant barrier and change for workers – and employers – after this bill immediately passes and if not addressed.

Ultimately, we really appreciate the challenging situation of the overlaps between OFLA and PFML, but also wanted to be sure to highlight the challenges these changes could pose for workers who are likely in the midst of a personal or familial emergency. For those reasons, in addition to the highlights of the bill, we have to be neutral of SB 1515-3, and again, very much look forward to ongoing conversations to address these issues as soon as possible.