

State of Oregon LEGISLATIVE BRANCH PERSONNEL RULES

Legislative Branch Personnel Rule 15: Family and Medical Leave

APPLICABILITY: This rule applies to all employees of the Legislative Branch, where not in conflict with an applicable collective bargaining agreement or law. This rule does not apply to members of the Legislative Assembly, except as provided in subsection (12)(b) of this rule.

- (1) **Policy.** It is the policy of the Legislative Branch to comply with the Oregon Family Leave Act (OFLA) so its employees can meet family and health obligations. State law prohibits retaliating against an employee with respect to hiring or any other term or condition of employment because the employee asked about, requested, or used any type of OFLA leave. Application of the provisions of OFLA may vary based on individual circumstances and eligibility. See subsections (5) and (7) of this rule for eligibility and types of specific conditions covered by OFLA.
- (2) **OFLA information.** OFLA-designated leave is **unpaid** unless the employee has accrued vacation, sick, or other paid leave to cover the leave of absence. Upon returning to work after a period of an approved OFLA-protected leave, an eligible employee must be returned to the employment position held prior to taking the leave or returned to an available equivalent position with equivalent pay and employment benefits.

Information about the requirements for eligibility and the length of leave authorized under OFLA is available in this rule and on the Human Resources section of the Legislative Intranet. Employees are encouraged to contact Employee Services for detailed information and for assistance with applying for family and medical leave. Additional information about OFLA may also be obtained from the Bureau of Labor and Industries (www.oregon.gov/BOLI) .

- (3) **Notice.** The branch shall:
 - (a) Post official notice in the workplace in accordance with the provisions of OFLA;

- (b) Include information about family and medical leave in new employee orientation materials; and
- (c) Post information about family and medical leave entitlements under OFLA on the Human Resources section of the Legislative Intranet.

(4) **Qualifying Conditions under OFLA only.** Eligible employees may take OFLA designated leave for the following purposes:

- (a) **Pregnancy related disability leave.** An eligible employee taking any amount of OFLA designated sick child or childcare, or bereavement leave, or any OFLA qualifying purpose may also take up to 12 additional weeks of OFLA designated leave in the same leave year for their own pregnancy related disability.
- (b) **Care for sick child.** To care for a child under 18 years of age; or who is substantially limited by a physical or mental impairment as described in ORS 659A.104 (ORS 659A.150 to 659A.186), suffering from a non-serious or serious health condition, any illness, injury, or condition that requires home care, including home care in the event of school or care facility closure in conjunction with a statewide public health emergency declared by a public health official. The age limit does not apply if the child is incapable of self-care because of a mental or physical disability. as described in ORS 659A.104.
~~**Foster or adoption.** A qualified employee may take an additional two weeks of OFLA designated leave for the legal process in the placement of a foster child or adoption of a child between July 1, 2024, through December 31, 2024. On January 1, 2025, this leave will be administered by Paid Leave Oregon.~~
- (c) **Military leave.** Up to 14 working days per deployment related to the deployment of an employee's spouse or same-gender domestic partner. The 14 days is included in the ~~12-week~~ 12week OFLA entitled in a one-year period.
- (d) **Bereavement leave.** Up to 2 weeks per family member, for a total of 4 weeks in a one-year period, to be taken within 60 days of notification of the death, to deal with the death of a family member by: attending the funeral or alternative to a funeral, making arrangements necessitated by the death, or grieving. These 4 weeks are counted towards the 12-weeks OFLA period. An appointing authority or supervisor shall not require an eligible employee to take bereavement leave concurrently.

(5) **Eligibility requirements for OFLA.** To qualify for pregnancy-related disability leave, sick child or childcare leave, or bereavement leave, ~~or leave to effectuate the legal process for child adoption or foster replacement,~~ an employee must have worked for the State of Oregon an average of 25 hours per week for 180 days. During a public health emergency, eligibility starts at 30 days working 25 or more hours per week. Hours worked includes protected leave taken. Eligibility is not pro-rated for part time employees. ~~for:~~

- ~~(a) (A) A period of 180 calendar days immediately preceding the date that leave begins; or~~
- ~~(B) During a public health emergency declared under ORS 433.411, a period of 30 days immediately preceding the date that leave begins; and,~~

~~(b) An average of 25 hours per week.~~

~~(c) Hours worked includes protected leave taken.~~

~~(d) Eligibility is not pro-rated for part time employees.~~

(6) **Oregon Military Family Leave (OMFLA).**

(a) **Eligibility requirements.** To qualify for OMFLA, an employee must have worked for the State of Oregon an average of 20 hours per week with no minimum days worked.

(b) **Military family leave (OMFLA) qualifying conditions.** Up to 14 working days per deployment related to the deployment of an employee's spouse or domestic partner.

(A) OMFLA is a distinct type of protected leave that may be counted against the 12 weeks of available OFLA leave. An employee may be eligible for OMFLA leave, but not yet eligible to take OFLA leave. When that is the case, the OMFLA leave may **not** be counted against OFLA leave.

(7) **Duration of Leave.**

(a) An eligible full-time employee (who works at least 40 hours a week) is entitled to up to 12 weeks (480 hours) of protected time off work under OFLA. An eligible part-time employee (who works less than 40 hours per week) receives a prorated amount of OFLA protected entitlement.

(b) When leave is authorized for an OFLA qualifying condition and the employee receives benefits through Paid Leave Oregon for a Paid Leave Oregon qualifying condition, the leave and benefit time can overlap but shall not run concurrently. Refer to Attachment A located on the Legislative Intranet on the Human Resources site for additional information. For qualifying reasons, eligibility, and duration of leave under Paid Leave Oregon, visit the Paid Leave Oregon [website](#).

(c) An eligible limited duration or temporary employee's OFLA leave ends when the employee's assignment expires regardless of whether the person has exhausted their leave entitlement.

(8) **OFLA leave increments.**

(a) **Continuous leave:** Leave taken in a continuous block of time. For example, an employee is out for a full eight weeks to care for a child with an illness, injury, or serious health condition.

(b) **Intermittent leave:** Leave taken sporadically, or in multiple blocks of time.

(c) **Reduced schedule leave:** Leave taken where the employee is scheduled to work less than the employee's normal work hours.

(9) **Use of accrued leave.** The use of accrued leave is not required while on approved leave under OFLA.

(a) An employee may use any accrued paid sick leave, accrued paid vacation leave or any other accrued paid leave in addition to receiving Paid Leave Oregon benefits during a period of Paid Leave Oregon leave taken for family leave, medical or safe leave to the extent that the

total combined amount of accrued paid leave and benefits received from Paid Leave Oregon do not exceed the employee's normal scheduled hour or regular rate of pay.

- (b) Employees who receive Paid Leave Oregon benefits are able to use up to 8 hours a day (when scheduled to work 8 hours) accrued leave until leave is exhausted or employee returns to work.

- (10) **Calculation of leave.** An eligible employee may use up to 12 weeks of OFLA leave for qualifying conditions. The OFLA leave year begins on the Sunday preceding the beginning of the leave. No unused leave may be carried forward to the next leave year. **A benefit year is a 52-week period beginning on the Sunday before the leave begins.**

- (11) **Notice to employer.**

- (a) An employee shall provide notice at least 30 calendar days in advance of a planned absence under this rule. When a medical emergency or other unforeseeable event occurs, the employee shall contact the appointing authority or designee within 24 hours of initiating the leave or as soon as practicable, but not later than three days from date of the occurrence. In the event of an emergency, notice may be provided by another person on behalf of the employee.
 - (b) A verification from a medical provider documenting the employee's absence may be required after the employee has taken more than three days of OFLA sick child leave. Medical verification is not required for bereavement leave, pregnancy disability leave, or for home care of a child in the event of a school or childcare provider closure due to a public health emergency.

~~(1)~~ Process for requesting and receiving Family and Medical Leave.

- (12) **(a)** Employee Services shall administer the process as follows:

- (A) Within 5 days of receiving an employee's request to take OFLA or a notice from Paid Leave Oregon, Employee Services shall provide the employee notice of eligibility.
 - (B) Within five days of notice of eligibility, a medical verification certification form is sent to the requesting employee.
 - (C) If leave is OFLA designated, an employee will still be required to pay the employee's share of core health care contributions and any optional benefits.
 - (D) The employee returns the medical verification form within 15 days from the date the verification is requested unless an extension is provided.
 - (E) Employee Services shall notify an employee if the medical verification form is deficient. The employee has seven days to correct deficiencies and return the form to Employee Services.
 - (F) Within five days of receiving a sufficient medical verification form, Employee Services shall send a designation notification (approval/denial) to the employee. If no medical certification is required, Employee Services shall send the designation within five days of notice.

(G) Employee Services may request an updated medical verification annually for a continuing condition. Employee Services may request an updated medical verification for a new condition or change to a continuing condition.

(H) When leave nears exhaustion, Employee Services may provide notice of exhaustion and invite the employee to contact Employee Services for options, if necessary.

(I) Employee Services shall ensure all documentation is maintained pursuant to subsection (13) of this rule.

(b) Employee Services shall assist members of the Legislative Assembly, leadership offices, caucus offices, agency appointing authorities and supervisors in complying with the requirements of OFLA, including procedures under which employees may request and receive OFLA leave.

(c) Employee Services does not administer the benefits paid through Paid Leave Oregon. Employees must apply for this benefit through the Oregon Employment Department's Frances Online Claimant Portal. Not all qualifying conditions under Paid Leave Oregon are qualifying conditions under OFLA and vice versa.

(13) Family and Medical Leave and workers' compensation.

(a) If the employee's injury qualifies as a serious health condition, an eligible employee's absence due to an accepted compensable workers' compensation claim is not covered under OFLA.

(14) OFLA recordkeeping. Employee Services shall maintain the records detailing protected leave taken by employees. Such records shall be maintained in compliance with the requirements of applicable state law and this rule.

Adopted: ~~September 25, 2024~~ November , 2025