

# Enrolled Senate Bill 69

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CHAPTER .....

AN ACT

Relating to laws concerning job-protected leave from work; creating new provisions; amending ORS 653.616, 653.626, 657B.060, 657B.070, 657B.400, 659A.156, 659A.159 and 659A.165; and prescribing an effective date.

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

**SECTION 1. Section 2 of this 2025 Act is added to and made a part of ORS chapter 657B.**

**SECTION 2. Notwithstanding any other provision under this chapter, the Bureau of Labor and Industries is responsible for administrative and regulatory oversight regarding the requirements under ORS 657B.060, and the provisions of ORS 657B.070 relating to retaliation and discrimination, and shall adopt any rules necessary and proper for the administration of those sections.**

**SECTION 3. ORS 657B.070 is amended to read:**

657B.070. (1) It is an unlawful employment practice for an employer to:

(a) Violate ORS 657B.060.

(b) Deny leave or interfere with any other right to which an eligible employee is entitled under this chapter.

(c) Retaliate or in any way discriminate against an employee with respect to hire or tenure or any other term or condition of employment because the employee has inquired about the rights or responsibilities under this chapter.

(2)(a) An employee who alleges a violation of this section may bring a civil action under ORS 659A.885 or may file a complaint with the Commissioner of the Bureau of Labor and Industries in the manner provided by ORS 659A.820.

(b) This subsection does not apply if the process described in ORS 657B.410, or the method established under ORS 657B.420, provides a remedy for the alleged violation.

**(3) Notwithstanding the applicable statute of limitations for complaints filed under ORS 659A.820 or actions brought under ORS 659A.885 alleging a violation of ORS 657B.060 or this section, if a claimant filed an appeal under ORS 657B.410 or 657B.420, the appeal tolls the statute of limitations for the period of time during which the appeal is pending.**

**SECTION 4. ORS 659A.159, as amended by section 8, chapter 20, Oregon Laws 2024, is amended to read:**

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

(a) To care for a child of the employee who is suffering from an illness, injury or condition that requires home care or who requires home care due to the closure of the child's school or child care provider as a result of a public health emergency.

(b) To deal with the death of a family member by:

(A) Attending the funeral or alternative to a funeral of the family member;

(B) Making arrangements necessitated by the death of the family member; or

(C) Grieving the death of the family member.

(2) **For purposes of ORS 659A.150 to 659A.186:**

(a) **Leave under subsection (1)(a) of this section may only be taken for a child of the employee who is:**

(A) **Under the age of 18; or**

(B) **Substantially limited by a physical or mental impairment as described in ORS 659A.104.**

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

**SECTION 5.** ORS 659A.165, as amended by section 10, chapter 20, Oregon Laws 2024, is amended to read:

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

(2) An eligible employee may commence taking family leave without prior notice under the following circumstances:

(a) An unexpected illness, injury or condition of a child of the employee that requires home care;

(b) The death of a family member; [or]

(c) The leave is for the purpose described under ORS 659A.162 (3)[.]; or

**(d) The closure of the school or child care provider of the employee's child due to a public health emergency unless the declaration of the public health emergency was issued by the Governor at least 30 days before commencement of the leave.**

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

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

**SECTION 6.** ORS 657B.400 is amended to read:

657B.400. (1) Except as provided in subsections (2) to (7) and (10) of this section, all information in the records of the Employment Department or a third party administrator pertaining to the administration of this chapter:

(a) Is confidential and for the exclusive use and information of the Director of the Employment Department in administering this chapter;

(b) May not be used in any court action or in any proceeding pending in the court unless the director or the State of Oregon is a party to the action or proceeding or unless the action or proceeding concerns the establishment, enforcement or modification of a support obligation and support services are being provided by the Division of Child Support of the Department of Justice or the district attorney pursuant to ORS 25.080; and

(c) Is exempt from disclosure under ORS 192.311 to 192.478.

(2) The Employment Department may disclose information:

(a) To the extent necessary for the payment of benefits or collection of contributions due under this chapter:

(A) To any claimant or employer; or

(B) To a legal representative or other designee authorized by a claimant or employer in accordance with any rules adopted by the director regarding the receipt of confidential information on behalf of a claimant or employer.

(b) Upon request to the United States Attorney's Office. Under this paragraph, the Employment Department may disclose an individual's employment and wage information in response to a federal grand jury subpoena or for the purpose of collecting civil and criminal judgments issued by a federal court, including restitution and special assessment fees. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the United States Attorney's Office.

**(c) Regarding the benefit amounts paid to employees, to the extent necessary to exercise the authority granted to employers under ORS 657B.030 (2).**

(3) At the discretion of the director and subject to an interagency agreement, the Employment Department may disclose, upon request, information:

(a) To state or local child support enforcement agencies enforcing child support obligations for the purposes of establishing child support obligations, locating individuals owing child support obligations and collecting child support obligations from those individuals. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the child support enforcement agency.

(b) To agencies participating in an income and eligibility verification system for the purpose of verifying an individual's eligibility for benefits, or the amount of benefits, under a state or federal program such as unemployment insurance, temporary assistance for needy families, medical assistance, supplemental nutrition assistance, Supplemental Security Income, child support enforcement or Social Security. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the requesting agency.

(c) To officers and employees of the United States Department of Housing and Urban Development and to representatives of a state or local public housing agency for the purpose of determining an individual's eligibility for benefits, or the amount of benefits, under a housing assistance program. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the requesting agency.

(4) At the discretion of the director and subject to an interagency agreement, the Employment Department may disclose information secured from employers:

(a) To state agencies, federal agencies, local government agencies, public universities listed in ORS 352.002 and the Oregon Health and Science University established under ORS 353.020, to the extent necessary to properly carry out governmental planning, performance measurement, program analysis, socioeconomic analysis or policy analysis functions performed under applicable law and at the discretion of the director and subject to an interagency agreement. The information disclosed is confidential and may not be disclosed by the agencies or universities in any manner that would identify individuals, claimants, employees or employers. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the agency or university requesting the information.

(b) As part of a geographic information system. Points on a map may be used to represent economic data, including the location, employer size and industrial classification of businesses in Oregon. Information presented as part of a geographic information system may not give specific details regarding a business's address, actual employment or proprietary information. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the party requesting the information.

(5) At the discretion of the director and subject to an interagency agreement, the Employment Department may disclose information received from an employer, an employee or a claimant:

(a) To public employees in the performance of their duties under state or federal laws relating to the payment of family and medical leave insurance benefits.

(b) Pursuant to an informed consent, received from the employer, employee or claimant, to disclose the information.

(c) To the Bureau of Labor and Industries for the purpose of performing duties under ORS 279C.800 to 279C.870, 658.005 to 658.245 or 658.405 to 658.511 or ORS chapter 652, 653 or 659A. The information disclosed may include the names and addresses of employers and employees, payroll data of employers and employees, and information obtained for an appeal from a determination under a plan approved under ORS 657B.210. The information disclosed is confidential and may not be used for any other purpose. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the bureau.

(d) To the Department of Revenue for the purpose of performing its duties under ORS 293.250 or under the revenue and tax laws of this state and identifying potential identity theft and fraud. The information disclosed may include the names and addresses of employers and employees, payroll data of employers and employees, and particulars, as defined in ORS 314.835. The information disclosed is confidential and may not be disclosed by the Department of Revenue in any manner that would identify an employer or employee except to the extent necessary to carry out the department's duties under ORS 293.250 or in auditing or reviewing any report or return required or permitted to be filed under the revenue and tax laws administered by the department. The Department of Revenue may not disclose any information received to any private collection agency or for any other purpose. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the Department of Revenue.

(e) To the Department of Consumer and Business Services for the purpose of performing its duties under ORS chapters 654, 656 and 731. The information disclosed may include, but is not limited to, the name, address, number of employees and standard industrial classification code of an employer and payroll data of employers and employees. The information disclosed is confidential and may not be disclosed by the Department of Consumer and Business Services in any manner that would identify an employer or employee except to the extent necessary to carry out the department's duties under ORS chapters 654, 656 and 731, including administrative hearings and court proceedings in which the Department of Consumer and Business Services is a party. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the Department of Consumer and Business Services.

(f) To the Construction Contractors Board for the purpose of performing its duties under ORS chapter 701. The information disclosed to the board may include the names and addresses of employers and status of their compliance with this chapter. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the board.

(g) To the Department of Transportation to assist the department in carrying out its duties relating to collection of delinquent and liquidated debts, including taxes, under ORS 184.610 to 184.665, 184.670 to 184.733 and 805.263, ORS chapter 319 and the Oregon Vehicle Code, or in auditing or reviewing any report or return required or permitted to be filed under the revenue and tax laws administered by the department. The information disclosed may include the names and addresses of employers and employees and payroll data of employers and employees. The information disclosed is confidential and may not be disclosed by the Department of Transportation in any manner that would identify an employer or employee except to the extent necessary to carry out the department's duties relating to collection of delinquent and liquidated debts or in auditing or reviewing any report or return required or permitted to be filed under the revenue and tax laws administered by the department. The Department of Transportation may not disclose any information received to any private collection agency or for any other purpose. If the information disclosed un-

der this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the Department of Transportation.

(h) To the Department of Human Services and the Oregon Health Authority to assist the department and the authority in the collection of debts that the department and the authority are authorized by law to collect. The information disclosed may include the names and addresses of employers and employees and payroll data of employers and employees. The information disclosed is confidential and may not be disclosed by the Department of Human Services or the Oregon Health Authority in any manner that would identify an employer or employee except to the extent necessary for the collection of debts as described in this paragraph. The Department of Human Services and the Oregon Health Authority may not disclose information received under this paragraph to a private collection agency or use the information for a purpose other than the collection of debts as described in this paragraph. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the Department of Human Services or the Oregon Health Authority.

(i) To the State Treasurer useful for the purpose of performing the State Treasurer's duties under ORS 98.302 to 98.436, 98.992, 113.235 and 116.253. The information disclosed is confidential and may not be used by the State Treasurer for any other purpose. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the State Treasurer.

(6) At the discretion of the director and subject to an interagency agreement, the director may disclose information to a public official in the performance of the public official's official duties administering or enforcing laws within the public official's authority and to an agent or contractor of a public official. The public official shall agree to assume responsibility for misuse of the information by the public official's agent or contractor.

(7) At the discretion of the director, the director may disclose information to a contractor pursuant to a contract for actuarial services. The contractor shall agree to assume responsibility for misuse of the information by the contractor's agent.

(8) Any officer appointed by or any employee of the director who discloses confidential information, except with the authority of the director, pursuant to rules or as otherwise required by law, may be disqualified from holding any appointment or employment with the Employment Department.

(9) Any person or any officer or employee of an entity to whom information is disclosed by the Employment Department under this section who divulges or uses the information for any purpose other than that specified in the provision of law or agreement authorizing the use or disclosure may be disqualified from performing any service under contract or from holding any appointment or employment with the state agency that engaged or employed that person, officer or employee. The Employment Department may immediately cancel or modify any information-sharing agreement with an entity when a person or an officer or employee of that entity discloses confidential information, other than as specified in law or agreement.

(10) At the discretion of the director, the director may disclose information to an employee or officer within any division of the Employment Department as necessary to conduct research, compile aggregate data from the information received and any other purpose deemed necessary by the director to assist the director in carrying out the duties under this chapter or other duties under ORS chapter 657.

(11) The director may adopt any rules necessary to implement this section.

**SECTION 7.** ORS 657B.060 is amended to read:

657B.060. (1)(a) Except as provided in paragraph (b) of this subsection, after returning to work after a period of family leave, medical leave or safe leave, an eligible employee is entitled to be restored to the position of employment held by the employee when the leave commenced, if that position still exists, without regard to whether the employer filled the position with a replacement worker during the period of leave. If the position held by the employee at the time leave commenced no longer exists, the employee is entitled to be restored to any available equivalent position with equivalent employment benefits, pay and other terms and conditions of employment. If an equivalent

position is not available at the job site of the employee's former position, the employer shall offer the employee an equivalent position at a job site located within 50 miles of the job site of the employee's former position, if such a position is available. If equivalent positions are available at multiple job sites, the employer shall first offer the employee the position at the job site that is nearest to the job site of the employee's former position.

(b) For employers that employ fewer than 25 employees, if the position held by an eligible employee when the employee's leave commenced no longer exists, an employer may, at the employer's discretion based on business necessity, restore the eligible employee to a different position with similar job duties and with the same employment benefits and pay.

(2)(a) During a period in which an eligible employee takes leave described under subsection (1) of this section, the employer shall maintain any health care benefits the employee had prior to taking such leave for the duration of the leave, as if the employee had continued in employment continuously during the period of leave. The employee must continue to make any regular contributions to the cost of the health insurance premiums.

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

(3) An eligible employee who has taken leave described under subsection (1) of this section does not lose any employment benefits, including seniority or pension rights, accrued before the date on which the leave commenced.

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

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

[4] (5) It is an unlawful employment practice to discriminate against an eligible employee who has invoked any provision of this chapter.

[5] (6) Nothing in this section entitles an eligible employee to accrue employment benefits during a period of leave or to a right, benefit or position of employment other than a right, benefit or position to which the employee would have been entitled had the employee not taken leave.

[6(a)] (7)(a) Nothing in this section requires an employer to retain a temporary worker who was hired to replace an eligible employee taking family leave, medical leave or safe leave after the eligible employee has returned to work.

(b) A civil action may not be brought against an employer for taking any of the following actions necessary to restore an eligible employee to the position of employment held by the employee as required under subsection (1) of this section:

(A) Terminating the employment of a worker who was hired solely to temporarily replace an eligible employee during a period of leave; or

(B) Removing an employee from a position to which the employee was transferred to temporarily replace an eligible employee while the eligible employee was on leave, and returning the employee to the position originally held by the employee prior to the transfer at the salary or rate of pay and benefits associated with the position.

(c) An employer shall, either at the time of hire or before reassignment, inform a temporary worker or an employee who is reassigned to a position to temporarily replace an eligible employee during a period of leave of the information provided under this subsection.

[(7)] (8) The protections provided under this section apply only to an eligible employee who was employed by the employer for at least 90 days before taking leave described under subsection (1) of this section.

**SECTION 8.** ORS 653.616 is amended to read:

653.616. An employee may use sick time earned under ORS 653.606:

(1) For an employee's mental or physical illness, injury or health condition, need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive medical care.

(2) For care of a family member with a mental or physical illness, injury or health condition, care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition or care of a family member who needs preventive medical care.

(3) Notwithstanding ORS 659A.153, for any other purpose specified in ORS 659A.159.

(4) For a purpose specified in ORS 659A.272, notwithstanding ORS 659A.270 (1).

**(5) For a purpose specified in ORS 657B.020.**

[(5)] (6) To donate accrued sick time to another employee if the other employee uses the donated sick time for a purpose specified in this section and the employer has a policy that allows an employee to donate sick time to a coworker for a purpose specified in this section.

[(6)] (7) In the event of a public health emergency. For purposes of this subsection, a public health emergency includes, but is not limited to:

(a) Closure of the employee's place of business, or the school or place of care of the employee's child, by order of a public official due to a public health emergency;

(b) A determination by a lawful public health authority or by a health care provider that the presence of the employee or the family member of the employee in the community would jeopardize the health of others, such that the employee must provide self care or care for the family member; or

(c) The exclusion of the employee from the workplace under any law or rule that requires the employer to exclude the employee from the workplace for health reasons.

**SECTION 9.** ORS 653.626 is amended to read:

653.626. (1)(a) If an employee takes more than three consecutive scheduled workdays of sick time for a purpose described in ORS 653.616 (1) to [(4)] (5), an employer may require the employee to provide verification from a health care provider of the need for the sick time, or certification of the need for leave for purposes of ORS 659A.272 as provided in ORS 659A.280.

(b) If the need for sick time is foreseeable and is projected to last more than three scheduled workdays and an employee is required to provide notice under ORS 653.621, the employer may require that verification or certification be provided before the sick time commences or as soon as otherwise practicable.

(c) If the employee commences sick time without providing prior notice required by the employer under ORS 653.621:

(A) Medical verification shall be provided to the employer within 15 calendar days after the employer requests the verification; or

(B) Certification provided as specified in ORS 659A.280 shall be provided to the employer within a reasonable time after the employee receives the request for certification.

(2) The employer shall pay any reasonable costs for providing medical verification or certification required under this section, including lost wages, that are not paid under a health benefit plan in which the employee is enrolled.

(3)(a) An employer may not require that the verification or certification required under this section explain the nature of the illness or details related to the domestic violence, sexual assault, harassment, or stalking that necessitates the use of sick time.

(b) If an employer suspects that an employee is abusing sick time, including engaging in a pattern of abuse, the employer may require verification from a health care provider of the need of the employee to use sick time, regardless of whether the employee has used sick time for more than three consecutive days. As used in this paragraph, "pattern of abuse" includes, but is not limited

to, repeated use of unscheduled sick time on or adjacent to weekends, holidays, vacation days or paydays.

(4) As used in this section, “health care provider” has the meaning given that term in ORS 659A.150.

**SECTION 10.** ORS 659A.156, as amended by section 16, chapter 20, Oregon Laws 2024, is amended to read:

659A.156. (1) All employees of a covered employer are eligible to take leave for any of the purposes specified in ORS 659A.150 to 659A.186 except:

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

(b) An employee who worked an average of fewer than 25 hours per week for the covered employer during the 180 days immediately preceding the date on which the family leave would commence **unless the employee is based in Oregon and subject to federal regulations under 29 C.F.R. part 825, subpart H, as in effect on January 1, 2025, and meets the hours of service requirement described in 29 C.F.R. 825.801 of those regulations.**

(2) Notwithstanding subsection (1) of this section, all employees of a covered employer are eligible to take leave for any of the purposes specified in ORS 659A.150 to 659A.186 during a period of time covered by a public health emergency except:

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

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

(3)(a) Notwithstanding subsection (1) of this section, an employee of a covered employer is eligible to take leave for any of the purposes specified in ORS 659A.150 to 659A.186 if the employee:

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

(ii) Is eligible to take leave under subsection (1) of this section at the time the employee separates; and

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

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

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

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

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

**SECTION 11.** Section 2 of this 2025 Act becomes operative on January 1, 2026.

**SECTION 12.** This 2025 Act takes effect on the 91st day after the date on which the 2025 regular session of the Eighty-third Legislative Assembly adjourns sine die.



**Passed by Senate February 6, 2025**

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Obadiah Rutledge, Secretary of Senate

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Rob Wagner, President of Senate

**Passed by House May 5, 2025**

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Julie Fahey, Speaker of House

**Received by Governor:**

.....M,....., 2025

**Approved:**

.....M,....., 2025

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Tina Kotek, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2025

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Tobias Read, Secretary of State