

SB 69-2  
(LC 1368)  
1/23/25 (JAS/ps)

Requested by SENATE COMMITTEE ON LABOR AND BUSINESS

**PROPOSED AMENDMENTS TO  
SENATE BILL 69**

1 In line 2 of the printed bill, before the period insert “; creating new pro-  
2 visions; amending ORS 653.616, 653.626, 657B.060, 657B.070, 657B.400,  
3 659A.156, 659A.159 and 659A.165; and prescribing an effective date”.

4 Delete lines 4 through 9 and insert:

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

7 **“SECTION 2. Notwithstanding any other provision under this**  
8 **chapter, the Bureau of Labor and Industries is responsible for admin-**  
9 **istrative and regulatory oversight regarding the requirements under**  
10 **ORS 657B.060, and the provisions of ORS 657B.070 relating to retali-**  
11 **ation and discrimination, and shall adopt any rules necessary and**  
12 **proper for the administration of those sections.**

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

14 **“657B.070. (1) It is an unlawful employment practice for an employer to:**

15 **“(a) Violate ORS 657B.060.**

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

18 **“(c) Retaliate or in any way discriminate against an employee with re-**  
19 **spect to hire or tenure or any other term or condition of employment because**  
20 **the employee has inquired about the rights or responsibilities under this**  
21 **chapter.**

1 “(2)(a) An employee who alleges a violation of this section may bring a  
2 civil action under ORS 659A.885 or may file a complaint with the Commis-  
3 sioner of the Bureau of Labor and Industries in the manner provided by ORS  
4 659A.820.

5 “(b) This subsection does not apply if the process described in ORS  
6 657B.410, or the method established under ORS 657B.420, provides a remedy  
7 for the alleged violation.

8 **“(3) Notwithstanding the applicable statute of limitations for com-  
9 plaints filed under ORS 659A.820 or actions brought under ORS  
10 659A.885 alleging a violation of ORS 657B.060 or this section, if a  
11 claimant filed an appeal under ORS 657B.410 or 657B.420, the appeal  
12 tolls the statute of limitations for the period of time during which the  
13 appeal is pending.**

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

16 “659A.159. (1) Family leave under ORS 659A.150 to 659A.186 may be taken  
17 by an eligible employee for any of the following purposes:

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

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

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

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

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

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

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

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

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

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

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

9       **“659A.165. (1)** Except as provided in subsection (2) of this section, a cov-  
10 ered employer may require an eligible employee to give the employer written  
11 notice at least 30 days before commencing family leave. The employer may  
12 require the employee to include an explanation of the need for the leave in  
13 the notice.

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

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

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

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

20       **“(d) The closure of the school or child care provider of the**  
21 **employee’s child due to a public health emergency unless the declara-**  
22 **tion of the public health emergency was issued by the Governor at**  
23 **least 30 days before commencement of the leave.**

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

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

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

9 “657B.400. (1) Except as provided in subsections (2) to (7) and (10) of this  
10 section, all information in the records of the Employment Department or a  
11 third party administrator pertaining to the administration of this chapter:

12 “(a) Is confidential and for the exclusive use and information of the Di-  
13 rector of the Employment Department in administering this chapter;

14 “(b) May not be used in any court action or in any proceeding pending  
15 in the court unless the director or the State of Oregon is a party to the  
16 action or proceeding or unless the action or proceeding concerns the estab-  
17 lishment, enforcement or modification of a support obligation and support  
18 services are being provided by the Division of Child Support of the Depart-  
19 ment of Justice or the district attorney pursuant to ORS 25.080; and

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

21 “(2) The Employment Department may disclose information:

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

24 “(A) To any claimant or employer; or

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

28 “(b) Upon request to the United States Attorney’s Office. Under this  
29 paragraph, the Employment Department may disclose an individual’s em-  
30 ployment and wage information in response to a federal grand jury subpoena

1 or for the purpose of collecting civil and criminal judgments issued by a  
2 federal court, including restitution and special assessment fees. The infor-  
3 mation disclosed is confidential and may not be used for any other purpose.  
4 The costs of disclosing information under this paragraph shall be paid by the  
5 United States Attorney's Office.

6 **“(c) Regarding the benefit amounts paid to employees, to the extent**  
7 **necessary to exercise the authority granted to employers under ORS**  
8 **657B.030 (2).**

9 “(3) At the discretion of the director and subject to an interagency  
10 agreement, the Employment Department may disclose, upon request, infor-  
11 mation:

12 “(a) To state or local child support enforcement agencies enforcing child  
13 support obligations for the purposes of establishing child support obligations,  
14 locating individuals owing child support obligations and collecting child  
15 support obligations from those individuals. The information disclosed is  
16 confidential and may not be used for any other purpose. The costs of dis-  
17 closing information under this paragraph shall be paid by the child support  
18 enforcement agency.

19 “(b) To agencies participating in an income and eligibility verification  
20 system for the purpose of verifying an individual's eligibility for benefits, or  
21 the amount of benefits, under a state or federal program such as unemploy-  
22 ment insurance, temporary assistance for needy families, medical assistance,  
23 supplemental nutrition assistance, Supplemental Security Income, child sup-  
24 port enforcement or Social Security. The information disclosed is confiden-  
25 tial and may not be used for any other purpose. The costs of disclosing  
26 information under this paragraph shall be paid by the requesting agency.

27 “(c) To officers and employees of the United States Department of Hous-  
28 ing and Urban Development and to representatives of a state or local public  
29 housing agency for the purpose of determining an individual's eligibility for  
30 benefits, or the amount of benefits, under a housing assistance program. The

1 information disclosed is confidential and may not be used for any other  
2 purpose. The costs of disclosing information under this paragraph shall be  
3 paid by the requesting agency.

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

7 “(a) To state agencies, federal agencies, local government agencies, public  
8 universities listed in ORS 352.002 and the Oregon Health and Science Uni-  
9 versity established under ORS 353.020, to the extent necessary to properly  
10 carry out governmental planning, performance measurement, program analy-  
11 sis, socioeconomic analysis or policy analysis functions performed under ap-  
12 plicable law and at the discretion of the director and subject to an  
13 interagency agreement. The information disclosed is confidential and may  
14 not be disclosed by the agencies or universities in any manner that would  
15 identify individuals, claimants, employees or employers. If the information  
16 disclosed under this paragraph is not prepared for the use of the Employment  
17 Department, the costs of disclosing the information shall be paid by the  
18 agency or university requesting the information.

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

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

30 “(a) To public employees in the performance of their duties under state

1 or federal laws relating to the payment of family and medical leave insurance  
2 benefits.

3 “(b) Pursuant to an informed consent, received from the employer, em-  
4 ployee or claimant, to disclose the information.

5 “(c) To the Bureau of Labor and Industries for the purpose of performing  
6 duties under ORS 279C.800 to 279C.870, 658.005 to 658.245 or 658.405 to  
7 658.511 or ORS chapter 652, 653 or 659A. The information disclosed may in-  
8 clude the names and addresses of employers and employees, payroll data of  
9 employers and employees, and information obtained for an appeal from a  
10 determination under a plan approved under ORS 657B.210. The information  
11 disclosed is confidential and may not be used for any other purpose. If the  
12 information disclosed under this paragraph is not prepared for the use of the  
13 Employment Department, the costs of disclosing the information shall be  
14 paid by the bureau.

15 “(d) To the Department of Revenue for the purpose of performing its du-  
16 ties under ORS 293.250 or under the revenue and tax laws of this state and  
17 identifying potential identity theft and fraud. The information disclosed may  
18 include the names and addresses of employers and employees, payroll data  
19 of employers and employees, and particulars, as defined in ORS 314.835. The  
20 information disclosed is confidential and may not be disclosed by the De-  
21 partment of Revenue in any manner that would identify an employer or em-  
22 ployee except to the extent necessary to carry out the department’s duties  
23 under ORS 293.250 or in auditing or reviewing any report or return required  
24 or permitted to be filed under the revenue and tax laws administered by the  
25 department. The Department of Revenue may not disclose any information  
26 received to any private collection agency or for any other purpose. If the  
27 information disclosed under this paragraph is not prepared for the use of the  
28 Employment Department, the costs of disclosing the information shall be  
29 paid by the Department of Revenue.

30 “(e) To the Department of Consumer and Business Services for the pur-

1 pose of performing its duties under ORS chapters 654, 656 and 731. The in-  
2 formation disclosed may include, but is not limited to, the name, address,  
3 number of employees and standard industrial classification code of an em-  
4 ployer and payroll data of employers and employees. The information dis-  
5 closed is confidential and may not be disclosed by the Department of  
6 Consumer and Business Services in any manner that would identify an em-  
7 ployer or employee except to the extent necessary to carry out the  
8 department's duties under ORS chapters 654, 656 and 731, including admin-  
9 istrative hearings and court proceedings in which the Department of Con-  
10 sumer and Business Services is a party. If the information disclosed under  
11 this paragraph is not prepared for the use of the Employment Department,  
12 the costs of disclosing the information shall be paid by the Department of  
13 Consumer and Business Services.

14 “(f) To the Construction Contractors Board for the purpose of performing  
15 its duties under ORS chapter 701. The information disclosed to the board  
16 may include the names and addresses of employers and status of their com-  
17 pliance with this chapter. If the information disclosed under this paragraph  
18 is not prepared for the use of the Employment Department, the costs of dis-  
19 closing the information shall be paid by the board.

20 “(g) To the Department of Transportation to assist the department in  
21 carrying out its duties relating to collection of delinquent and liquidated  
22 debts, including taxes, under ORS 184.610 to 184.665, 184.670 to 184.733 and  
23 805.263, ORS chapter 319 and the Oregon Vehicle Code, or in auditing or  
24 reviewing any report or return required or permitted to be filed under the  
25 revenue and tax laws administered by the department. The information dis-  
26 closed may include the names and addresses of employers and employees and  
27 payroll data of employers and employees. The information disclosed is con-  
28 fidential and may not be disclosed by the Department of Transportation in  
29 any manner that would identify an employer or employee except to the extent  
30 necessary to carry out the department's duties relating to collection of de-



1 linquent and liquidated debts or in auditing or reviewing any report or re-  
2 turn required or permitted to be filed under the revenue and tax laws  
3 administered by the department. The Department of Transportation may not  
4 disclose any information received to any private collection agency or for any  
5 other purpose. If the information disclosed under this paragraph is not pre-  
6 pared for the use of the Employment Department, the costs of disclosing the  
7 information shall be paid by the Department of Transportation.

8       “(h) To the Department of Human Services and the Oregon Health Au-  
9 thority to assist the department and the authority in the collection of debts  
10 that the department and the authority are authorized by law to collect. The  
11 information disclosed may include the names and addresses of employers and  
12 employees and payroll data of employers and employees. The information  
13 disclosed is confidential and may not be disclosed by the Department of  
14 Human Services or the Oregon Health Authority in any manner that would  
15 identify an employer or employee except to the extent necessary for the col-  
16 lection of debts as described in this paragraph. The Department of Human  
17 Services and the Oregon Health Authority may not disclose information re-  
18 ceived under this paragraph to a private collection agency or use the infor-  
19 mation for a purpose other than the collection of debts as described in this  
20 paragraph. If the information disclosed under this paragraph is not prepared  
21 for the use of the Employment Department, the costs of disclosing the in-  
22 formation shall be paid by the Department of Human Services or the Oregon  
23 Health Authority.

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

30       “(6) At the discretion of the director and subject to an interagency

1 agreement, the director may disclose information to a public official in the  
2 performance of the public official's official duties administering or enforcing  
3 laws within the public official's authority and to an agent or contractor of  
4 a public official. The public official shall agree to assume responsibility for  
5 misuse of the information by the public official's agent or contractor.

6 “(7) At the discretion of the director, the director may disclose informa-  
7 tion to a contractor pursuant to a contract for actuarial services. The con-  
8 tractor shall agree to assume responsibility for misuse of the information by  
9 the contractor's agent.

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

14 “(9) Any person or any officer or employee of an entity to whom infor-  
15 mation is disclosed by the Employment Department under this section who  
16 divulges or uses the information for any purpose other than that specified  
17 in the provision of law or agreement authorizing the use or disclosure may  
18 be disqualified from performing any service under contract or from holding  
19 any appointment or employment with the state agency that engaged or em-  
20 ployed that person, officer or employee. The Employment Department may  
21 immediately cancel or modify any information-sharing agreement with an  
22 entity when a person or an officer or employee of that entity discloses con-  
23 fidential information, other than as specified in law or agreement.

24 “(10) At the discretion of the director, the director may disclose informa-  
25 tion to an employee or officer within any division of the Employment De-  
26 partment as necessary to conduct research, compile aggregate data from the  
27 information received and any other purpose deemed necessary by the director  
28 to assist the director in carrying out the duties under this chapter or other  
29 duties under ORS chapter 657.

30 “(11) The director may adopt any rules necessary to implement this sec-

1 tion.

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

3 “657B.060. (1)(a) Except as provided in paragraph (b) of this subsection,  
4 after returning to work after a period of family leave, medical leave or safe  
5 leave, an eligible employee is entitled to be restored to the position of em-  
6 ployment held by the employee when the leave commenced, if that position  
7 still exists, without regard to whether the employer filled the position with  
8 a replacement worker during the period of leave. If the position held by the  
9 employee at the time leave commenced no longer exists, the employee is en-  
10 titled to be restored to any available equivalent position with equivalent  
11 employment benefits, pay and other terms and conditions of employment. If  
12 an equivalent position is not available at the job site of the employee’s for-  
13 mer position, the employer shall offer the employee an equivalent position  
14 at a job site located within 50 miles of the job site of the employee’s former  
15 position, if such a position is available. If equivalent positions are available  
16 at multiple job sites, the employer shall first offer the employee the position  
17 at the job site that is nearest to the job site of the employee’s former posi-  
18 tion.

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

24 “(2)(a) During a period in which an eligible employee takes leave de-  
25 scribed under subsection (1) of this section, the employer shall maintain any  
26 health care benefits the employee had prior to taking such leave for the du-  
27 ration of the leave, as if the employee had continued in employment contin-  
28 uously during the period of leave. The employee must continue to make any  
29 regular contributions to the cost of the health insurance premiums.

30 “(b) Notwithstanding ORS 652.610 (3) and except as provided in paragraph

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

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

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

18 “(b) **This subsection does not affect the ability of an employer to**  
19 **require an employee during a period of medical leave to report peri-**  
20 **odically to the employer on the employee's status and on the**  
21 **employee's intention to return to work.**

22 “[4] (5) It is an unlawful employment practice to discriminate against  
23 an eligible employee who has invoked any provision of this chapter.

24 “[5] (6) Nothing in this section entitles an eligible employee to accrue  
25 employment benefits during a period of leave or to a right, benefit or posi-  
26 tion of employment other than a right, benefit or position to which the em-  
27 ployee would have been entitled had the employee not taken leave.

28 “[6)(a)] (7)(a) Nothing in this section requires an employer to retain a  
29 temporary worker who was hired to replace an eligible employee taking  
30 family leave, medical leave or safe leave after the eligible employee has re-

1 turned to work.

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

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

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

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

17 “[7] (8) The protections provided under this section apply only to an  
18 eligible employee who was employed by the employer for at least 90 days  
19 before taking leave described under subsection (1) of this section.

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

21 “653.616. An employee may use sick time earned under ORS 653.606:

22 “(1) For an employee’s mental or physical illness, injury or health condi-  
23 tion, need for medical diagnosis, care or treatment of a mental or physical  
24 illness, injury or health condition or need for preventive medical care.

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

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

1 “(4) For a purpose specified in ORS 659A.272, notwithstanding ORS  
2 659A.270 (1).

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

4 “[5] (6) To donate accrued sick time to another employee if the other  
5 employee uses the donated sick time for a purpose specified in this section  
6 and the employer has a policy that allows an employee to donate sick time  
7 to a coworker for a purpose specified in this section.

8 “[6] (7) In the event of a public health emergency. For purposes of this  
9 subsection, a public health emergency includes, but is not limited to:

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

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

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

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

21 “653.626. (1)(a) If an employee takes more than three consecutive sched-  
22 uled workdays of sick time for a purpose described in ORS 653.616 (1) to  
23 [(4)] (5), an employer may require the employee to provide verification from  
24 a health care provider of the need for the sick time, or certification of the  
25 need for leave for purposes of ORS 659A.272 as provided in ORS 659A.280.

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

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

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

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

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

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

16 “(b) If an employer suspects that an employee is abusing sick time, in-  
17 cluding engaging in a pattern of abuse, the employer may require verification  
18 from a health care provider of the need of the employee to use sick time,  
19 regardless of whether the employee has used sick time for more than three  
20 consecutive days. As used in this paragraph, ‘pattern of abuse’ includes, but  
21 is not limited to, repeated use of unscheduled sick time on or adjacent to  
22 weekends, holidays, vacation days or paydays.

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

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

27 “659A.156. (1) All employees of a covered employer are eligible to take  
28 leave for any of the purposes specified in ORS 659A.150 to 659A.186 except:

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

1 commence.

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

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

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

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

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

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

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

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

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



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

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

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

12       **“SECTION 11. Section 2 of this 2025 Act becomes operative on Jan-  
13 uary 1, 2026.**

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

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