

OREGON PAID LEAVE: FREQUENTLY ASKED QUESTIONS

WHEN DO PAYROLL DEDUCTIONS BEGIN?

For employers using the State plan, payroll deductions will begin on January 1, 2023.

WHEN DO BENEFITS BEGIN?

The first benefits are scheduled to begin paying out September 3, 2023.

HOW ARE BENEFITS CALCULATED?

For employees earning equal to or less than 65% of the State's average weekly wage (SAWW), the weekly Oregon Paid Leave benefit will be 100% of the individual's average weekly wage.

For employees earning more than 65% of the SAWW, the benefit is: 65% of the SAWW + 50% of the employee's average weekly wage above 65% of the SAWW, up to a maximum of 120% of the SAWW.

WHAT IS THE MAXIMUM OREGON PAID LEAVE DURATION?

Oregon Paid Leave provides employees with a maximum of 12 weeks of paid leave per year, however, for serious pregnancy related health conditions the law provides an additional 2 weeks of paid leave.

DOES OREGON PAID LEAVE PROVIDE JOB PROTECTION WHILE ON LEAVE?

Yes, so long as the employee has worked for the employer for a minimum of 90 days before taking Oregon Paid Leave. Employees can expect to be restored to the position held when they first went out on leave. If the position no longer exists, the employee must be placed in any available equivalent role with equivalent employment benefits, pay, and other terms and conditions of employment.

Employers fewer than 25 employees have slightly more flexibility with job protection in that if a job no longer exists, they can place the employee in a different position with similar job duties and the same employment benefits and pay.

Oregon employers can hire temp employees to fill in for those on a covered leave and there is no obligation to continue the temporary replacement worker's employment once leave period ends.

Note: Oregon Paid Leave says it's unlawful to deny leave or interfere with the right to leave as well as to retaliate or discriminate against an employee for asking about the right to take leave.

ARE PRIVATE PLANS PERMITTED?

Yes, employers can apply for approval to offer a private plan that is equal to, or exceeds, the state plan benefits and are extended to all employees who have been employed by the employer for 30 days or more. An approved private plan is effective for one year. Private plans can be fully insured or self-funded.

ARE COLLECTIVE BARGAINING AGREEMENTS AFFECTED?

The law does not require the reopening or renegotiation of a CBA entered into, or before, September 29, 2019 (the effective date of the Oregon Paid Family Medical Leave). CBAs that are reopened or renegotiated after September 29, 2019 must conform to the PFML law.





OREGON PAID LEAVE: FAQs

WHAT IS SAFE LEAVE?

Safe leave is intended for covered individuals, or their dependents, who are seeking assistance from law enforcement, medical treatment, counseling victim services, or relocating due to issues or injuries resulting from domestic violence, sexual assault, harassment or stalking.

WHAT IS A SERIOUS HEALTH CONDITION?

Serious health conditions are defined under ORS 659A.150 and include the following conditions:

- Require hospitalization, hospice, or placement in a residential medical care facility
- Pose imminent danger of death, are terminal in prognosis, or require constant care;
- Or disabilities due to pregnancy

WHO IS CONSIDERED A FAMILY MEMBER?

Oregon Paid Family Leave employs an incredibly broad definition of family to include:

- The spouse of a covered individual
- A child of a covered individual or the child's spouse or domestic partner;
- A sibling or step-sibling of a covered individual or the sibling's or the step-sibling's spouse or domestic partner;
- A grandparent of a covered individual or the grandparent's spouse or domestic partner;
- A grandchild of a covered individual or the grandchild's spouse or partner;
- The domestic partner of a covered individual; or
- Any individual related by blood or affinity whose close association with a covered individual is the equivalent of a family relationship

CAN EMPLOYERS REQUIRE EMPLOYEES TO TAKE PTO OR OTHER PAID TIME WHILE ON ORPFML?

Oregon Paid Leave benefits are in addition to any paid sick time, vacation leave, or other paid leave that an employee receives. Employers cannot require employees to utilize their company provided paid time alongside the Oregon Paid Leave program or in lieu of it. Employers must, however, allow employees to use their company provided paid leave alongside the Oregon Paid Leave benefits up to 100% of their income should the employee choose to do so.

WHAT ARE THE PENALTIES FOR NON-COMPLIANCE?

Employers who fail to file all of the required reports or pay all of the contributions that are due will be notified by the State on or before June 30 of each year. If, prior to September 1 of that year, an employer has failed to file all required paperwork and contributions, they will face a penalty equal to 1% of wages in the preceding calendar year. Furthermore, corporate officers, LLC members, and partners may face the risk of being held personally liable for amounts due and could face criminal misdemeanor charges. The Employment Department has been further authorized to collect on delinquent accounts through warrants enforceable by the sheriff.

Additionally, employers that willfully make false statements or fail to report a material fact may be assessed a penalty up to \$1,000 per occurrence.

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