

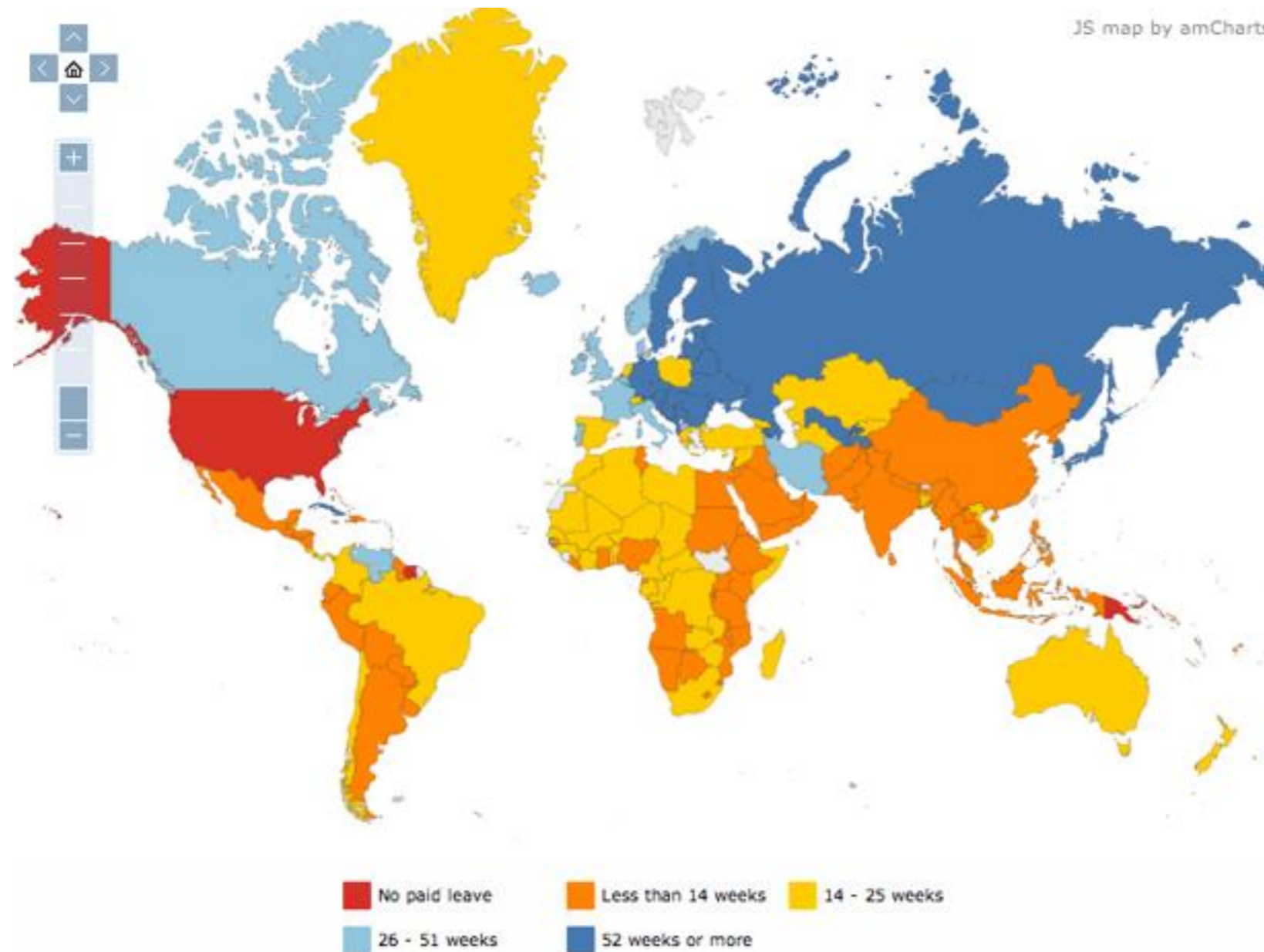


**FAMILY FORWARD**

## **An Overview of Paid Family Leave**

**Andrea Paluso, Family Forward Oregon**

# Paid maternity leave around the world



World Policy Forum: [worldpolicyforum.org/policies/is-paid-leave-available-for-mothers-of-infants](http://worldpolicyforum.org/policies/is-paid-leave-available-for-mothers-of-infants)

# History of Family Leave Laws in Oregon

- 1987: Oregon Legislature enacts the Parental Leave Act (effective Jan. 1, 1988).
- 1989: Pregnancy Disability is added to the Parental Leave Act.
- 1991: Family Medical Leave Act is passed to provide protected leave for the health conditions of family members.
- 1993: The federal Family Medical Leave Act (FMLA) is enacted and many components of Oregon's leave laws are adopted.

# History of Family Leave Laws in Oregon

- 1995: Oregon leave laws are repealed and consolidated into the Oregon Family Leave Act (OFLA).
- 2007: Several changes to OFLA are enacted by the 74<sup>th</sup> Legislative Assembly, including:
  - New provisions related to the use of paid sick leave for employees taking family leave;
  - Redefining family leave to exclude leave taken due to an on-the-job injury;
  - Expanding the definition of “family member” to include grandparents, grandchildren and same-sex domestic partners.

# Other Leave Provisions in Oregon Law

- In 2007 the Oregon Victims of Certain Crimes Leave Act was passed by the Oregon legislature.
  - This law provides protected leave to deal with events arising from domestic violence, sexual assault or stalking.
- In 2009 the Oregon Military Family Leave Act is enacted.
  - This law mirrors the 2008 FMLA amendments to provide new leave rights for military service.
- In 2011 the Crime Victims Leave law was amended to provide leave for criminal harassment.

# Who is covered by leave laws in Oregon?

## OFLA and FMLA comparison

Size of Firm	# of firms	# of workers	% of firms	% of workers
1-24	81,433	390,073	91.29%	29.86%
25-49	4,027	137,421	4.51%	10.52%
50+	3,741	778,446	4.19%	59.61%
Total	89,201	1,305,960		

Oregon Employment Department  
Private sector only, based on March 2011 employment

Information provided by the Technical Assistance Department at the Bureau of Labor and Industries

# COVERED EMPLOYERS

## **FMLA**

- 50 or more employees working in the U.S.

## **OFLA**

- 25 or more employees working in Oregon

# COVERED EMPLOYEES

## FMLA

- Worked for the covered employer for a total of 12 months (need not be consecutive)
- Worked at least 1250 hours in the 12 month period immediately preceding the leave
- Employer must have 50 or more employees within 75 miles of the employee's worksite

## OFLA

- Worked for the covered employer at least 180 calendar days
- Worked an average of 25 hours per week during the 180 days preceding the leave
- For parental leave, does not need to meet the 25 hours per week worked requirement.
- For Oregon Military Family Leave, does not need to meet the 180 days worked requirement.



# COVERED FAMILY MEMBERS

## **FMLA**

- Spouse
- Child (under the age of 18; if over 18 must be incapable of self care due to mental or physical disability)
- “In loco parentis”
- Parent
- For Service Member Leave, also includes next of kin

## **OFLA**

- Spouse
- Same sex domestic partner
- Child (any age)
- “In loco parentis”
- Parent
- Parent-in-law
- Grandparent
- Grandchild

# COVERED LEAVE EVENTS

## FMLA

### Illness, injury or impairment that:

- Requires an overnight hospital stay
- Involves a period of incapacity of 3 full consecutive days and:
- Requires in-person treatment within 30 days of the first day of incapacity with the first visit within 7 days of the first day of incapacity; or
- In person treatment at least once that results in continuing treatment, with the first visit within 7 days of the first day of incapacity.

## OFLA

### Illness, injury or impairment that:

- Requires an overnight hospital stay
- Requires constant or continuing care
- Involves a period of incapacity for more than 3 consecutive days and 2 or more treatments by a health care provider or 1 treatment plus a regimen of continuing care.
- Permanent or long-term incapacity for which treatment may not be effective.

# COVERED LEAVE EVENTS

## FMLA

- Chronic conditions that require at least 2 visits a year for treatment and may be episodic.
- Permanent or long term conditions for which treatment may not be effective (Alzheimer's, stroke).
- Conditions that involve multiple treatments for restorative surgery or conditions that, if not treated, would result in incapacity of more than 3 days.
- Prenatal care and pregnancy.
- Parental leave.
- Injury or illness of a service member incurred in the line of active duty.

## OFLA

- Chronic conditions that require periodic visits for treatment and may be episodic.
- Terminal conditions.
- Conditions that involve multiple treatments for restorative surgery or conditions that, if not treated, would result in incapacity of more than 3 days.
- Prenatal care and pregnancy.
- Parental leave.
- Sick Child Leave (non serious health condition of a child)
- Military Family Leave
- Bereavement Leave

# LENGTH OF LEAVE

## **FMLA**

12 weeks per leave year

### **Exception:**

- The spouse, child, parent or next of kin of an injured service member receives up to 26 weeks of leave to care for the service member.

## **OFLA**

12 weeks per leave year

### **Exceptions:**

- A female employee who uses pregnancy disability leave is eligible for an additional 12 weeks of OFLA leave.
- A female or male employee who uses a full 12 weeks for Parental Leave purposes is eligible for 12 additional weeks for Sick Child Leave Purposes only.

# BENEFITS WHILE ON LEAVE

## **FMLA**

- Employee may use any accrued vacation.
- May use sick leave if consistent with the employer policy.
- Accrual of leave, benefits, seniority, and bonuses is subject to employer policy.
- Employer must continue medical insurance while on leave.

## **OFLA**

- Employee may use any accrued vacation.
- Employee may use any accrued sick leave.
- Accrual of leave, benefits, seniority, and bonuses is subject to employer policy.
- Employer is not required to continue medical insurance while on leave.

# REINSTATEMENT

## **FMLA**

- Employee is entitled to the position held at the time leave began or to an equivalent position.

## **OFLA**

- Employee is entitled to the position held at the time leave began.

# What's needed next?





**MOVING  
OREGON  
FORWARD...  
TOGETHER.**

