

# Electronic Alert

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## Temporary Rule Permits OFLA-Covered Employers to Rescind Leave Previously Designated as OFLA Leave Effective July 1

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In February, the Oregon State Legislature passed Senate Bill 1515 which, among other things, repealed provisions of the Oregon Family Leave Act (“OFLA”) that were duplicative of Paid Leave Oregon benefits. The majority of the changes imposed by SB 1515 will go into effect on July 1, 2024. For additional information regarding SB 1515, see our [February 28 E-Alert](#).

More recently, BOLI issued a [temporary rule](#) that allows employers to rescind a designation or approval of leave as OFLA leave if the period of OFLA leave is scheduled to occur on or after July 1, 2024, by taking the following steps:

- As soon as practicable, but no later than June 1, notify the employee in writing that the leave is not protected by OFLA on or after July 1.
- Concurrently provide written information to the employee that informs them of their ability to apply for benefits under Paid Leave Oregon that includes contact information for Paid Leave Oregon or the employer’s equivalent plan administrator.

Similarly, if an employee submits a new request for leave that would have been protected by OFLA prior to July 1, the employer must, as soon as practicable but no later than 14 calendar days from the request, inform the employee in writing that they can apply for benefits under Paid Leave Oregon and provide the applicable contact information. An employer may comply with these written notice requirements by providing the employee with the [model notice](#) made available by the Oregon Employment Department. Although it is best practice to notify employees of their ability to apply for benefits under Paid Leave Oregon, this rule is only in effect until July 1, 2024.

Note that rescinding a prior designation or approval of OFLA leave does not relieve an employer of their obligations to comply with other leave laws, including the Family and Medical Leave Act, the Americans with Disabilities Act, Oregon’s disability law, and Oregon’s sick time law.

*To discuss how SB 1515 or this temporary rule impacts your leave policies and administration, contact Amy Angel at 503-276-2195 or [aangel@barran.com](mailto:aangel@barran.com), or Stacie Damazo at 503-276-2121 or [sdamazo@barran.com](mailto:sdamazo@barran.com).*