

Electronic Alert

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Big Changes to OFLA & Paid Leave Oregon Are Coming (Again)

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The Oregon legislature has passed [Senate Bill 1515 A](#) to repeal the provisions of the Oregon Family Leave Act (“OFLA”) that are duplicated by Paid Leave Oregon and to minimize stacking of leave under these two laws. We anticipate that Governor Tina Kotek will sign the bill into law in the coming days. Except as noted below, the majority of the changes will go into effect on July 1, 2024, which means Oregon employers have four months to prepare for the changes.

Here are the key highlights:

- **OFLA will no longer cover parental leave or serious health condition leave.** Leave for these purposes will only be available under Paid Leave Oregon.
- **Sick child leave under OFLA is expanded.** An employee may take leave under OFLA to care for a child suffering from any illness, injury, or condition that requires home care (even if it may qualify as a serious health condition). An employee may still also use OFLA sick child leave to care for a child whose school or place of care has been closed in conjunction with a statewide public health emergency declared by a public health official.
- **Bereavement leave under OFLA is capped at four weeks per year.** An employee’s entitlement to bereavement leave under OFLA will be capped at four weeks per leave year.
- **OFLA still allows for an additional 12 weeks of pregnancy disability leave.** In addition to any other OFLA leave used for sick child leave and bereavement leave, an employee may still take up to 12 additional weeks of OFLA leave for their own pregnancy disability in the same leave year.
- **OFLA is temporarily amended to cover two additional weeks of leave for the fostering or adoption process.** In addition to the OFLA leave above, between July 1, 2024, and December 31, 2024, an employee may take an additional two weeks of OFLA leave to effectuate the legal process for the placement of a foster child or the adoption of a child.
- **OFLA leave will be *in addition to* leave under Paid Leave Oregon.** That is, OFLA leave may not be taken concurrently with any leave under Paid Leave Oregon.
- **Use of PTO during a period of leave under Paid Leave Oregon is changing (again).** An employee will now be permitted to decide whether to use any accrued paid time off in addition to their Paid Leave Oregon benefits, as long as the total amount received by the employee does not exceed their regular pay. However, an employer may still permit an employee to use their paid time off such that the total combined amounts exceed their regular pay.

- **Family leave under Paid Leave Oregon will include leave for the fostering and adoption process.** Beginning January 1, 2025, Paid Leave Oregon will include leave to effectuate the legal process required for the placement of a foster child or the adoption of a child.
- **Predictive scheduling relief.** Employers will be exempt from the predictive scheduling compensation penalties if (1) an employee provides less than 14 days' notice of the need for or return from leave under Paid Leave Oregon, OFLA, or any other leave under ORS Ch. 659A, and (2) the employer makes a change to the schedule of an employee who was temporarily assigned to specific shifts to cover for an employee on leave.

In response to these changes, employers should take the following actions:

1. Revise leave policies, including OFLA, Paid Leave Oregon, as well as FMLA policies if they are integrated with an OFLA policy.
2. Update leave tracking systems.
3. Inform employees about these upcoming changes.
4. Watch for revised rules and posters.

To discuss how SB 1515A impacts your leave policies and administration, contact Amy Angel at (503) 276-2195 or aangel@barran.com, or Stacie Damazo at (503) 276-2121 or sdamazo@barran.com.