



# Oregon FAMILY LEAVE ACT

## NOTICE TO EMPLOYERS AND EMPLOYEES

The Oregon Family Leave Act, passed by the 1995 Legislature, requires employers of 25 or more employees in Oregon to provide their workers with job protected leave to care for themselves or family members in cases of illness, injury, childbirth or adoption.

### When Can an Employee Take Family Leave?

**Employees can take family leave for the following reasons:**

- ▶ **Parental Leave** during the year following the birth of a child or adoption or foster placement of a child under 18 or a child 18 or older if incapable of self-care because of a mental or physical disability. Parental leave includes leave to effectuate the legal process required for foster placement or adoption.
- ▶ **Serious health condition leave** for the employee's own serious health condition or to care for a spouse, parent, child, parent-in-law, grandparent, grandchild, same-gender domestic partner or parent or child of same-gender domestic partner with a serious health condition. **NOTE:** Does not include an employee unable to work due to a compensable Workers Compensation injury.
- ▶ **Pregnancy disability leave** (a form of serious health condition leave) taken by a female employee for an incapacity related to pregnancy or childbirth, occurring before or after the birth of a child, or for prenatal care.
- ▶ **Sick child leave** taken to care for an employee's child with an illness, condition or injury that requires home care but is not a serious health condition.
- ▶ **Oregon Military Family Leave** is taken by the spouse or same-gender domestic partner of a service member who has been called to active duty or notified of an impending call to active duty or is on leave from active duty during a period of military conflict.

### Who is Eligible?

- ▶ To be eligible for leave, workers must be employed for the 180 day calendar period immediately preceding the leave and have worked at least an average of 25 hours per week during the 180 day period.
- ▶ **Exception 1:** For parental leave, workers are eligible after being employed for 180 calendar days, without regard to the number of hours worked.
- ▶ **Exception 2:** For Oregon Military Family Leave, eligible workers must work for an employer an average of at least 20 hours per week, without regard to the number of days worked.

### How Much Leave Can an Employee Take?

- ▶ Employees are generally entitled to a maximum of 12 weeks of family leave within the employer's 12-month leave year.
- ▶ A woman using pregnancy disability leave is entitled to 12 additional weeks of leave in the same leave year for any qualifying OFLA purpose.
- ▶ A man or woman using a full 12 weeks of parental leave is entitled to take up to 12 additional weeks for the purpose of sick child leave.
- ▶ A spouse or same-gender domestic partner of a service member is entitled to a total of 14 work days of unpaid leave per deployment after the military member has been notified of an impending call or order to active duty before deployment and when the military member is on leave from deployment.

### What Notice is Required?

- ▶ Employers may require employees to give 30 days notice in advance of leave, unless the leave is taken for an emergency. Employees must follow the employer's policy. Employers may require that notice is given in writing and may require an explanation of the need for leave. In an emergency, employees must give verbal notice within 24 hours of starting a leave.

### Is Family Leave Paid or Unpaid?

- ▶ Although Family Leave is generally unpaid, employees are entitled to use any accrued paid vacation, sick or other paid leave.

### How is an Employee's Job Protected During a Leave?

- ▶ Employers must return employees to their former jobs or to equivalent jobs if the former position no longer exists. However, employees on OFLA leave are still subject to nondiscriminatory employment actions such as layoff or discipline that would have been taken without regard to the employee's leave.

*For additional information, please call the nearest office of the Bureau of Labor and Industries:*  
 ▶ Eugene.....541-686-7623      Employer Assistance:  
 ▶ Salem.....503-378-3292      ▶ 971-673-0824  
 ▶ Portland...971-673-0761  
 Website: [www.oregon.gov/boli](http://www.oregon.gov/boli)

*Or Write:*  
 Bureau of Labor and Industries  
 Civil Rights Division  
 800 NE Oregon St Ste. 1045  
 Portland, OR 97232

Eligible employees who have been denied leave, disciplined or retaliated against for requesting or taking leave, or have been denied reinstatement to the same or equivalent position when they returned from a leave or requested leave may file a complaint with the Bureau of Labor and Industries, Civil Rights Division.