



A new program that allows employees in Oregon to take paid time off for some of **life's most important moments** that impact our families, health and safety.



# Preview

- Definitions
- Applying for each category of leave
- OFLA/FMLA and other leave types
- Employer responsibilities and Model Notice
- Employee responsibilities
- Place of performance



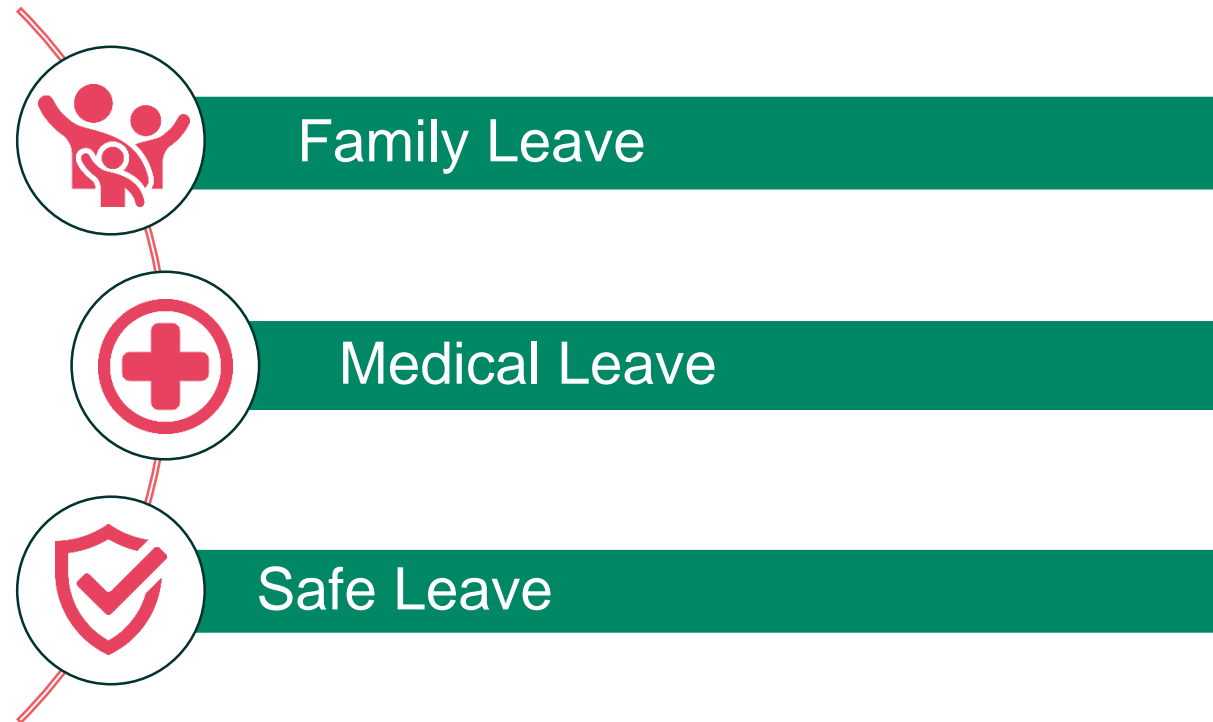


# Disclaimer

- We are working with the Oregon Department of Revenue and the Oregon Department of Justice on tax-related questions.
- We will provide guidance to employers and employees once information is available.



# What is Paid Leave Oregon?

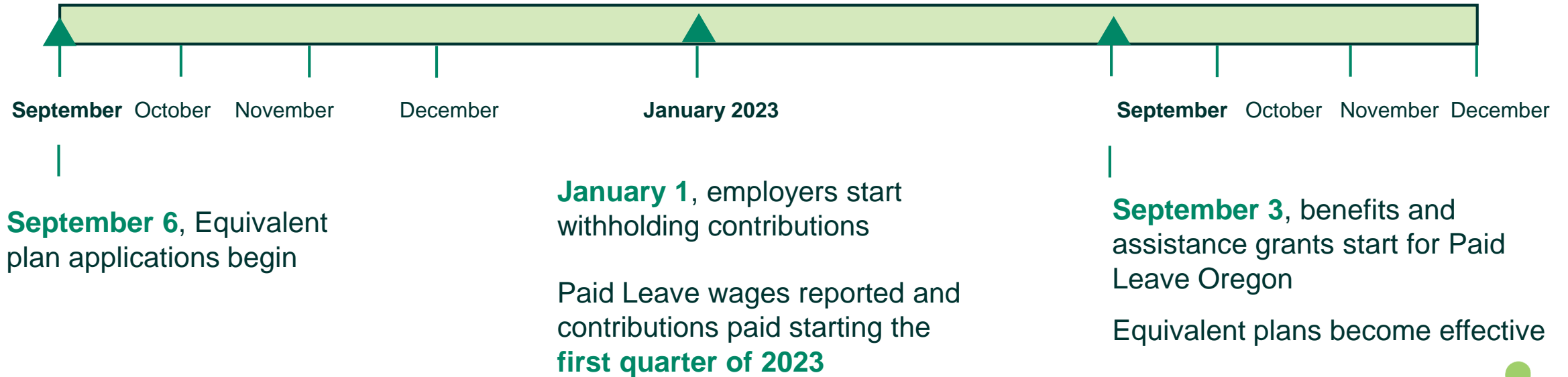




# When does Oregon's paid leave start?

2022

2023



# Who is covered by Paid Leave Oregon?

## Employers

- All employers with at least one employee working in Oregon

## Employees

- All employees working in Oregon

## Elective Coverage

- Self-employed individuals and independent contractors
- Tribal governments





## Employer size

- Large employers have 25 or more employees
  - Required to contribute 40% of set rate
- Small employers have fewer than 25 employees
  - Are not required to contribute, but may in order to be eligible for assistance grants
- Both can offer equivalent plans





# Contributing together

## Contribution Rate:

- Set annually for calendar year
- Same rate for all employers (and employees)
- Maximum rate is 1% of employee wages, up to \$132,900

Employees	Large Employer
60%	40%
of contribution rate	of contribution rate





# Example of payroll contributions

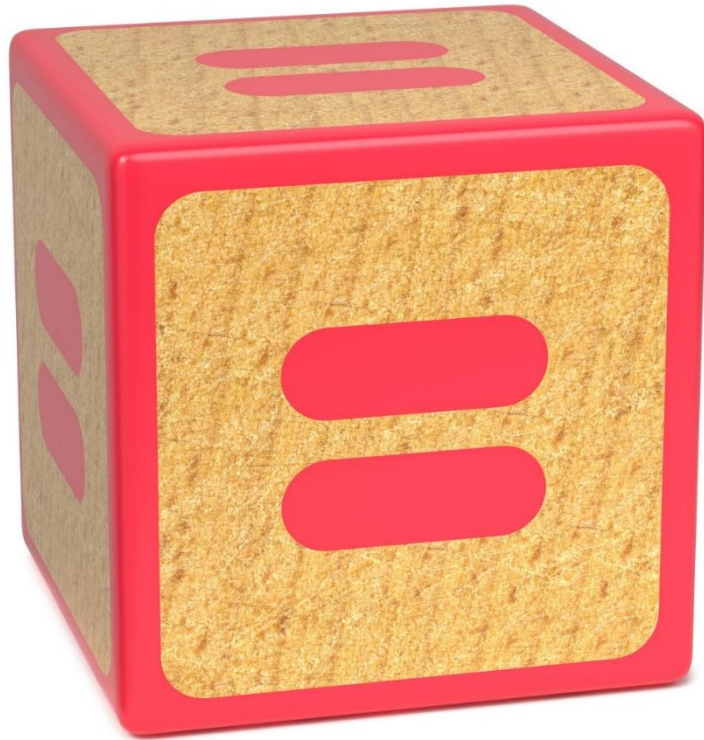
	Annual earnings (weekly earnings)	Annual employee Paid Leave contributions	Annual employer Paid Leave contributions	One week's Paid Leave benefits
<b>Minimum wage employee</b>	\$28,080 (\$540)	\$168.48	\$112.32	\$540
<b>Median income employee</b>	\$67,058 (\$1,289.58)	\$402.35	\$268.23	\$1,042.86
<b>High income employee</b>	\$132,900 or more (\$2,555.78 or more)	\$797.40	\$531.60	\$1,469.78



# Benefits calculation

- Weekly Benefit Amount:
  - For employees with an average weekly wage (AWW) < 65% of the state average weekly wage (SAWW):
    - Weekly benefit amount = 100% of the employee's AWW
  - For employees with AWW > 65% of SAWW:
    - Weekly benefit amount = 65% of SAWW + 50% of employee's AWW that is greater than 65% of SAWW
- An employee's average weekly wage is the total wages earned in the base year divided by 52



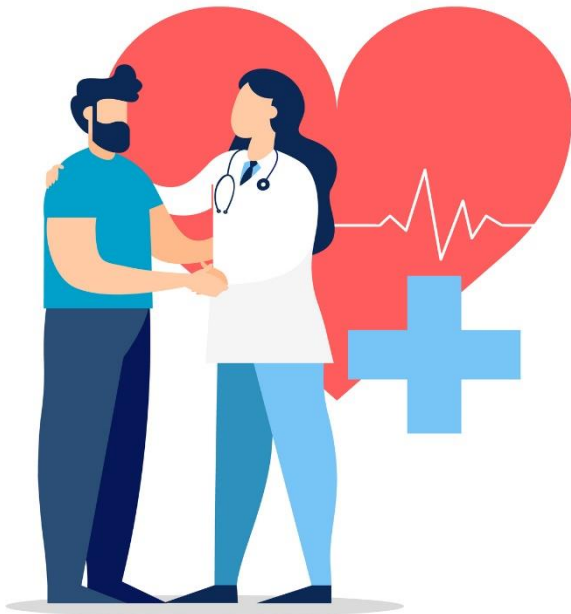


# Equivalent plans

- Employers may provide Paid Leave Oregon benefits to their employees through an equivalent plan
- Equivalent plan applications are available now
- Equivalent plans must:
  - Be approved by the department
  - Limit withholdings from employees to 60% of the contribution rate
  - Provide equal to or greater benefits to employees
- An employer with an equivalent plan must report wages but does not pay contributions



# What qualifies as a serious health condition?



- Paid Leave uses a definition similar to the Oregon Family Leave Act (OFLA) with some differences
- Paid Leave recognizes disability due to miscarriage or stillbirth, which includes both physical and mental impacts related to the loss of a pregnancy
- The full definition of a serious health condition can be found in Oregon Administrative Rule [471-070-1100](https://www.oregon.gov/DEI/OPHS/Pages/471-070-1100.aspx)



# Definition of a family member



- Paid Leave Oregon covers care for family members related by blood or affinity
- Full definition under [ORS 657B.010](#)







# Medical Leave application

- Basic information about the employee, the patient (if different from the employee) and their healthcare provider
- The date that the serious health condition began
- The estimated duration of leave
- Information from the healthcare provider to establish a serious health condition





# Bonding with a child

- For leave to bond with a child the first year after birth, Paid Leave Oregon will ask for one of the following:
  - Birth certificate, Consular Report of Birth Abroad, hospital admission form, or other document issued by the parent or child's healthcare provider.
- For leave to bond with a child after adoption or foster care placement:
  - A copy of a court order, statement from the foster care or adoption agency, or other legal document to confirm adoption or foster care placement.



# Verification for Safe Leave



- Documentation can come from:
  - An attorney
  - Law enforcement officer
  - Healthcare provider
  - Mental health professional or counselor
  - Member of the clergy
  - Title IX Coordinator
  - A victim service provider for survivors of sexual assault, domestic violence, harassment, or stalking
- If unable to provide verifying documentation, individuals may provide a written statement attesting that they are eligible for safe leave



# OFLA, FMLA and other leave types

Paid Leave Program	FMLA/OFLA
The leave is paid	The leave is unpaid
Covers Family, Medical, and Safe Leave	Covers Parental, Serious Health Condition, Pregnancy Disability and Military Family Leave. OFLA also covers Sick Child and Bereavement Leave
Leave is provided from all employers	Leave is provided from employers based on how many employees they have (25 for OFLA; 50 for FMLA)

A more comprehensive comparison of similarities and differences can be found at [PaidLeave.Oregon.gov](https://PaidLeave.Oregon.gov) under the “Resources” tab







# Job protections

- The employee's job is protected if they have worked for the employer more than 90 days
- Job protection applies regardless of employer size
- Return employee to equivalent position (or similar, if small employer and position no longer exists)
- Continue health benefits while employees are on leave
- No discrimination or retaliation for employees taking or inquiring about Paid Leave



OAR 471-070-1330





# Employer Notice

- Employers will be notified at the time of application, and again when their employee's application is approved or denied
- If changes are made to an employee's leave (e.g. duration of leave), the employer will be notified
- Paid Leave Oregon will not share health information with employers





## What you need to know

Starting in September 2023, Paid Leave Oregon will serve most employees in Oregon by providing paid leave for the birth or adoption of a child, your or a loved one's serious illness or if you experience sexual assault, domestic violence, harassment, or stalking.

### What benefits are provided through Paid Leave Oregon and who is eligible?

Employees in Oregon that have earned at least \$1,000 in the prior year may qualify for up to 12 weeks of paid family, medical or safe leave in a benefit year. While on leave, Paid Leave Oregon pays employees a percentage of their wages. Benefit amounts depend on what an employee earned in the prior year.

### Who pays for Paid Leave Oregon?

Starting on January 1, 2023, employees and employers contribute to Paid Leave Oregon through payroll taxes. Contributions are calculated as a percentage of wages and your employer will deduct your portion of the contribution rate from your paycheck.

### When do I need to tell my employer about taking leave?

If your leave is foreseeable, you are required to give notice to your employer at least 30 days before starting paid family, medical or safe leave. If you do not give the required notice, Paid Leave Oregon may reduce your first weekly benefit by 25%.

### How do I apply for Paid Leave?

In September 2023, you can apply for leave with Paid Leave Oregon online at [paidleave.oregon.gov](https://paidleave.oregon.gov) or request a paper application from the department. If your application is denied, you can appeal the decision with the Oregon Employment Department.



### What are my rights?

If you are eligible for paid leave, your employer cannot prevent you from taking it. Your job is protected while you take paid leave if you have worked for your employer for at least 90 consecutive calendar days. You will not lose your pension rights while on leave and your employer must keep giving you the same health benefits as when you are working.

### How is my information protected?

Any health information related to family, medical or safe leave that you choose to share with your employer is confidential and can only be released with your permission, unless the release is required by law.

### What if I have questions about my rights?

It is unlawful for your employer to discriminate or retaliate against you because you asked about or claimed paid leave benefits. If your employer is not following the law, you have the right to bring a civil suit in court or to file a complaint with the Oregon Bureau of Labor & Industries (BOLI). You can file a complaint with BOLI online, via phone or email:

**Web:** [www.oregon.gov/boli](https://www.oregon.gov/boli)  
**Call:** 971-245-3844  
**Email:** [help@boli.oregon.gov](mailto:help@boli.oregon.gov)

### Learn more about Paid Leave Oregon

**Web:** [paidleave.oregon.gov](https://paidleave.oregon.gov)  
**Call:** 833-854-0166  
**Email:** [paidleave@oregon.gov](mailto:paidleave@oregon.gov)

Paid Leave Model Notice Poster

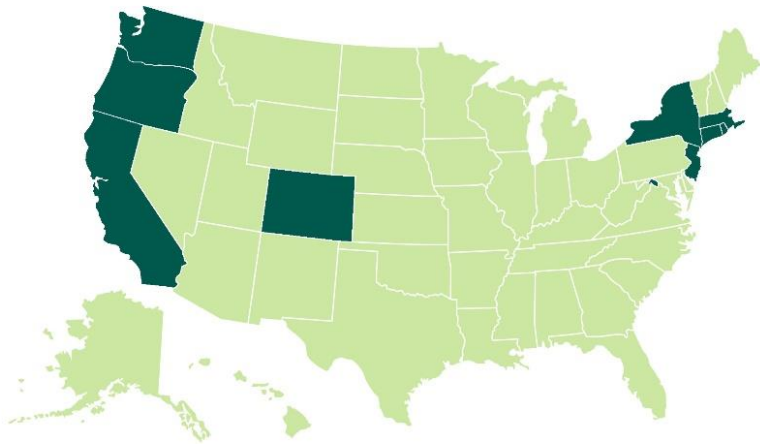
# Employer Responsibilities

- Employers must print and display Paid Leave's notice poster in area frequented by employees
- Beginning January 1, 2023:
  - Withhold employee contributions
  - Make employer contributions (25 or more employees)
- Report contributions on the Combined Quarterly Payroll Report



OAR 471-070-1300

# Place of Performance Rule



- For employees who work in more than one state
- Employees with incidental work outside Oregon are also covered by Paid Leave Oregon.
  - For example: a two-week conference in New York, or an occasional job in Idaho.



Employees	Large Employer
60%	40%
of contribution rate	of contribution rate

Employees	Small Employer
60%	Small employers can choose to contribute the employer portion
of contribution rate	

# Summary

- **Contribution rate:** 1% of gross wages
- Any employee (no matter how many hours you work) who earned at least \$1,000 in the year before claiming paid leave may be eligible.
- If you earned \$1,000 in wages this month, the employee would pay \$6 and the employer would pay \$4 in contributions.
- The minimum weekly benefit would be \$61.24 and maximum weekly benefit would be \$1,469.78. The state average weekly wage (SAWW) for 2023 is \$1,224.82.
- The employee's job is protected if they've worked for their employer more than 90 days.





# New online reporting with Frances

Ver las respuestas del asistente interactivo en español

State of Oregon  
Employment  
Department

Can I Help?

## FRANCES ONLINE


Username

Password

Log in

Forgot username or password?


What are you looking for?



### Sign Up for Employer Access

Sign up for online access to manage your Unemployment Insurance and Paid Leave Oregon Contributions account(s).


- > Sign Up for Online Access
- > I Received My Access Letter



### Third Party Administrator

Register for online access to view yours and your clients' Unemployment Insurance Tax and Paid Leave Oregon contributions account information and bulk file reports.

- > Sign Up for Third Party Administrator Access



### Make a Payment

Make a payment towards an assessment notice you received from Oregon Employment Department.

- > Pay an Assessment Notice

- Now Live!
- Supports both Unemployment Insurance and Paid Leave Oregon
- Learn more about Frances at [francesinfo.oregon.gov](https://francesinfo.oregon.gov)





# Have suggestions, questions, or concerns?



- Website: [PaidLeave.Oregon.gov](https://PaidLeave.Oregon.gov)
- Email: [paidleave@oregon.gov](mailto:paidleave@oregon.gov)
- Phone: 833-854-0166
- Subscribe to our mailing list
- Accommodations, including interpreters, are available

Follow us on social media:



[facebook.com/paidleaveoregon](https://facebook.com/paidleaveoregon)



[twitter.com/paidleaveoregon](https://twitter.com/paidleaveoregon)



[instagram.com/paidleaveoregon](https://instagram.com/paidleaveoregon)