

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.

Use of Paid Leave Oregon benefits, OFLA, and Employees' Paid Time Off

Paid Leave Oregon and the Oregon Bureau of Labor & Industries (BOLI) created this document as a general program comparison to outline employee and employer rights and obligations when an employee requests to use earned paid time off (for example vacation leave, sick leave, or personal time) whether the employee takes protected leave under [Paid Leave](#), under the [Oregon Family Leave Act \(OFLA\)](#) or both. It is not intended to provide legal or financial advice and does not cover all possible exceptions. Each program has different qualifications and factors (see OFLA/Paid Leave [comparison chart](#)).

If employees take leave for a qualifying event covered under both OFLA and Paid Leave, they must take leave under OFLA and Paid Leave at the same time. However, OFLA and Paid Leave statutes and administrative rules are different regarding the use of an employee's earned paid time off in addition to leave benefits provided under each program. This document provides answers to frequently asked questions and gives an overview of employee and employer rights and obligations under OFLA and Paid Leave.

Employers must apply the parts of statute and administrative rules that are the most generous to the employee who is eligible to take leave for the same qualifying event under OFLA and Paid Leave.¹

Question: Is an employee allowed to use earned paid time off when taking OFLA and Paid Leave at the same time?

Answer: Yes, employees are allowed to use earned paid sick time, vacation time, or other earned paid time off while on any OFLA or Paid Leave covered leave.

¹ [OAR 839-009-0220](#)

Question: Can employees receive Paid Leave benefits and their earned paid time off at the same time?

Answer: Yes, employees can receive Paid Leave benefits while they are also taking earned paid sick time, vacation leave, or paid time off.²

Question: Can the employer require the employee to use their earned paid time off while taking OFLA and Paid Leave at the same time?

Answer: No, the employer cannot require the employee to use paid time off before or while receiving Paid Leave benefits. The Paid Leave provision is more generous than OFLA and generally does not allow an employer to require an employee to use their paid time off before or while receiving Paid Leave benefits.

Question: What if the employer has a collective bargaining or other legal agreement that requires the employee to use earned paid time off?

Answer: If an employee who receives OFLA and Paid Leave benefits is subject to a written agreement, including a collective bargaining agreement, and the agreement has a specific provision addressing the employee's use of earned paid time off, the agreement applies if it does not conflict with the laws governing either OFLA or Paid Leave. If the agreement applies to an employee taking Paid Leave, the employer may permit, but not require, the employee to use other earned paid time off. Employers should check with an attorney to find out if the Family and Medical Leave Act (FMLA) allows them to make employees use earned time off.

² ORS 657B.030