

# Oregon Paid Family and Medical Leave

## Questions and answers

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On August 9, 2019, Governor Brown signed a bill approving paid family and medical leave that affects most employers with employees in Oregon. Here's an overview of the law and how it impacts you.

### What's Oregon Paid Family and Medical Leave?

Oregon Paid Family and Medical Leave (OR PFML) is a statewide program that provides you paid time off for:

#### Medical leave

For your own serious health condition, including pregnancy or recovery from childbirth

#### Family leave

- To care for a covered family member with a serious health condition
- To bond with a new child within 12 months of birth or placement via foster care or adoption

#### Safe leave

- To attend to matters related to being a victim of sexual assault, domestic violence, harassment, bias crime or stalking

Covered family members include a spouse, domestic partner, child, parent, parent-in-law, grandparent, grandchild, and sibling. The spouse or domestic partner of a parent, grandparent, child, grandchild, sibling, or stepsibling is also covered. Child and parent relationships include biological, adoptive, foster, and those who stood in loco parentis for an employee as a minor child or a child for whom the employee is standing in loco parentis. Additionally, an individual related by blood or affinity whose close association with a covered individual is the equivalent of a family relationship is covered.

### Who's eligible for benefits?

Eligible employees include those who've earned at least \$1,000 in wages in Oregon during the base year or the alternate base year. A base year includes the first four of the last five completed calendar quarters preceding the benefit year; an alternate base year is the last four completed calendar quarters preceding the benefit year.

### When does the OR PFML program become effective?

Employers began making payroll deductions to fund the employee share of contributions on January 1, 2023. The Benefits became payable on September 3, 2023.

### How's the program funded?

The cost of your OR PFML coverage is funded in part by deductions taken from your paycheck and premium covered by the company.<sup>1</sup> Effective September 1 2023, you'll be charged 60% of all wages paid, not to exceed the Social Security wage cap. This deduction is subject to change each January 1.

The company is responsible for all premium cost charged by Lincoln, our insurance carrier, that exceed the contributions taken from your pay.

### What are the available benefits?

Under OR PFML, you may take up to 12 weeks for any combination of medical, family, or safe leave. Additionally, employees that have a pregnancy-related limitation are eligible for an extra two weeks of leave.

The amount of benefits you're eligible to receive varies based on the following criteria:

- If you earn less than or equal to 65% of the state average weekly wage (SAWW), your benefit will be 100% of your average weekly wage (AWW).
- If you earn more than 65% of the SAWW, your benefit will be the underlying 100% benefit described above plus an additional 50% of your AWW that exceeds 65% of the SAWW.
- The maximum weekly benefit will be 120% of the SAWW.

<sup>1</sup> Referencess to the company throughout this notice refer to your employer.

## Does OR PFML offer job protection?

Yes. You're entitled to job protection while on leave if you've worked for the company for at least 90 consecutive days. During a covered leave, the company must offer employment-based health insurance benefits as if you're working, and you won't lose your pension rights, if applicable.

## How do I submit a claim?

The company has elected to insure your paid family and medical leave coverage privately through Lincoln. You should direct OR PFML claims and questions to Lincoln instead of the state.

Prior to submitting your claim request to Lincoln, you must provide the company at least 30 days' written notice of your intent to take leave. This notice must include your expected leave start date, anticipated length of the leave, leave type, explanation of the need for leave, and your expected date of return.

If you're unable to give 30 days' notice due to unforeseen circumstances, you must provide notice as soon as possible. Lincoln will intake your OR PFML claim alongside other Lincoln-administered disability or leave programs for which you may qualify.

The company will provide additional information and guidance to help you begin your OR PFML claim.

## Is this new leave part of the federal Family and Medical Leave Act (FMLA)?

No. This benefit is separate with different eligibility rules and employer requirements than FMLA, but runs concurrently with the federal program. OR PFML is also separate from the Oregon Family Leave Act (OFLA), and these programs do not run concurrently.

## How's my information protected?

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

## How can I appeal Lincoln's decision on my claim?

If your claim is denied or you don't agree with the decision, you may appeal your claim with Lincoln. An appeal may be requested within 20 days from your receipt of the notice of determination. Instructions for how to appeal the decision will be provided in your notice of determination.

## How do I dispute Lincoln's decision about my claim appeal?

If the appeal doesn't resolve your disagreement with the claim decision, you can request support from Paid Leave Oregon for dispute resolution. Visit [paidleave.org](https://paidleave.org) or call **888-854-0166** for more information.

## What if I have questions about my rights?

It's unlawful for your employer to discriminate or retaliate against you because you asked about or claimed paid leave benefits. If your employer isn't 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 or via phone or email:

**Web:** [oregon.gov/boli](https://oregon.gov/boli)

**Call:** 971-245-3844

**Email:** [help@boli.oregon.gov](mailto:help@boli.oregon.gov)

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