



# What leave laws apply to Oregon employees? County of Clackamas

Oregon leave laws fall into two categories: paid and unpaid.

The various laws and benefits work together to provide most workers time away from work for many reasons. The descriptions of the laws below are not comprehensive. They provide basic background on how leave periods under various laws work together, and how they might coordinate with short term disability coverage or employer-provided paid leave policies.



## Paid Leave Laws

### Oregon Paid Family and Medical Leave, or PFML

Every employer, whether located in Oregon or not, must provide PFML to any of its employees performing services based in Oregon for wages. Oregon PFML provides 12 paid weeks for all covered leave reasons in a benefit year. Two additional paid weeks are provided for complications related to pregnancy, childbirth or a related medical condition, including lactation. Oregon PFML reasons include:

- Caring for the employee’s own serious health condition
- Caring for a family member with a serious health condition
- Caring for or bonding with a new child in the first year after birth, adoption or foster care placement
- Safe leave for survivors of domestic violence, harassment, sexual assault, bias crimes, or stalking
- Leave to effectuate the legal process required for placement of a foster child or the adoption of a child for up to two weeks (inclusive in the 12 weeks per benefit year). (Goes into effect Jan.1, 2025).

Throughout this document we refer to Oregon PFML. This benefit may also be referred to elsewhere as Paid Leave Oregon.



## Unpaid Leave Laws

### Family and Medical Leave Act, or FMLA

Covered employers include private-sector employers who employ 50 or more employees in 20 or more workweeks per year, and state and local government employers, and local educational agencies regardless of employer size.

FMLA is a federal law that provides employees:

- Twelve workweeks of leave in a 12-month period for:
  - The birth and bonding of a child and to care for the newborn child within 12 months of birth
  - The placement with the employee of a child for adoption or foster care and to care for the newly placed child within 12 months of placement
  - The care of an employee’s spouse, child or parent who has a serious health condition
  - A serious health condition that makes the employee unable to perform the essential functions of his or her job
  - Any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter or parent is a covered military member on or called to “covered active duty”
- Twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member’s spouse, son, daughter, parent or next of kin (military caregiver leave)

When a covered employee communicates a need to take leave from work for an FMLA-qualifying reason, the employee will be notified in writing that their leave will be designated as FMLA and the time taken count against their FMLA leave allotment.

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## Paid Leave Laws

### Oregon Sick Time, or OST

Employers with 10 or more employees working in Oregon (or six or more employees working in Oregon, if employer maintains any office, store, restaurant or establishment in Portland) must provide paid leave. All other employers must provide unpaid leave. Employees get at least one hour of sick time for every 30 hours worked, and employers can limit employees to taking 40 hours of that accrued time every year. Sick time can be used for any of the following:

- To care for the employee or the employee's family member with a mental or physical illness, injury or health condition, need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition, or need for preventive medical care
- To care for an infant, newly adopted or foster child
- To recover from or seek treatment for a health condition that renders the employee unable to perform at least one of the essential functions of their regular position
- In connection with family medical leave (FMLA or OFLA)
- Absences associated with the death of a family member
- Absences related to domestic violence, harassment, sexual assault or stalking
- In certain situations, a public health emergency



## Unpaid Leave Laws

### Oregon Family Leave Act, or OFLA

OFLA applies to employers with 25 or more employees. It generally provides up to 12 weeks of unpaid leave in a one-year period for any of these reasons:

- Pregnancy disability: 12 weeks (this is in addition to any pregnancy leave available under Oregon PFML and in addition to other leave reasons available under OFLA)
- Care of a child requiring home care (including those with serious health conditions): Up to 12 weeks
- Care of a child due to school or childcare provider closures during a public health emergency: Up to 12 weeks
- Bereavement: Two weeks per death, up to a maximum of four weeks per year

For a limited period of time, from July 1, 2024, through Dec. 31, 2024, employees are entitled to two weeks of leave to effectuate the legal process required for placement of a foster child or the adoption of a child.

### Oregon Military Family Leave Act, or OMFLA

OMFLA provides up to 14 days of leave if the employee's spouse or domestic partner is a service member who has been called to active duty or is on leave from active duty.

## Other Paid Leave Which May Apply

Short Term Disability, or STD, coverage offered through your employer would provide paid benefits for covered employees who experience a loss of wages because they are unable to work due to pregnancy or childbirth, or their own illness or injury. If you are eligible to receive STD benefits, your STD benefit may be reduced by the amount of your PFML benefit.

Your employer may also offer other forms of paid or unpaid company-sponsored leave, or CSL.

## How do leave laws coordinate with other paid or unpaid leave?

- FMLA is federally regulated.
- Oregon PFML, OST and OFLA are state-mandated leaves.
- Any STD coverage you may have through your employer is outlined in your plan document or policy.
- Any paid or unpaid company-sponsored leave you may be eligible for is an internal benefit offered by your employer, who can provide additional detail.

The table below provides a snapshot of each benefit

Leave Type	Eligibility Requirements	Job Protection	Income Replacement	Duration of Leave	Coordination of Leave
<a href="#">FMLA</a>	Employed with covered employer 12 months, worked with the employer at least 1,250 hours during the 12 months before FMLA leave starts, and works at a location where the employer has at least 50 employees within 75 miles.	Yes	No	12 weeks total for all leave reasons, except 26 workweeks of leave to care for a covered service member with a serious injury or illness	FMLA runs concurrently with OFLA and/or PFML provided the leave is for the same qualifying reason
<a href="#">OFLA</a>	Employees must have worked 180 calendar days and average 25 hours per week	Yes	No	Generally 12 weeks maximum duration; 12 additional weeks of pregnancy disability leave; bereavement leave is limited to 4 weeks total per leave year	OFLA runs concurrently with FMLA provided the leave is for the same qualifying reason. Leave taken under OFLA is in addition to leave taken under PFML. They do not run concurrently.
<a href="#">OST</a>	Employees must have worked for employer for at least 90 days	Yes	Depends on employer size 100%	Up to 40 hours per year	OST runs concurrently with usage from the employee's regular leave banks (i.e. PTO, accrued leave, vacation leave, sick leave), and the first 40 hours used in a calendar year will fall under the OST rules and protections
<a href="#">Oregon PFML*</a>	Must have earned at least \$1,000 in either the first four of the last 5 completed quarters or the last 4 completed quarters preceding the Sunday before the date of leave  Self-employed individuals can opt in  Job protection applies to OR PFML leave if employee has been employed with their employer for 90 or more consecutive days.	Yes	Varies based on income, up to 100%	12 weeks for all leave reasons, 2 additional weeks for pregnancy or childbirth limitations	PFML runs concurrently with FMLA provided the leave is for the same qualifying reason

\*Private plan design will be equal to or more favorable than state plan requirements noted above.

## Scenarios

The scenarios below are not exhaustive and are for illustrative purposes only. There are many other possible scenarios, depending on prior usage of leave, eligibility and so on. The scenarios below do not include or explain any possible reductions in benefits or amounts of benefits payable, if any.

**For all scenarios noted below, we assume the employee:**

- Is eligible for all leave and products listed
- Has supplied us with supporting information
- Has full banks of entitlement under each leave or product to use



### Pregnancy/Delivery example:

In this scenario, Kayla is taking leave for the birth of her twins, and Kayla's last day of work was the same as her delivery date. Kayla has decided to use 6 weeks of OFLA pregnancy leave (out of her 12 total pregnancy weeks available) before initiating PFML. Once she initiates PFML at week 7, she will spend the first 6 weeks of her PFML leave recovering from childbirth, and she will take an additional 6 weeks of PFML for bonding. Kayla had some complications during the birth of her twins and will take an additional two weeks of leave during weeks 19 and 20. Assuming Kayla meets eligibility requirements, the table below shows the interaction of paid and unpaid leave types and STD benefits that Kayla may be entitled to.

- **FMLA (unpaid):** 12 weeks leave
- **OFLA (unpaid):** 12 weeks leave (this example is only showing OFLA use of six weeks because the employee is choosing to start PFML as of week 7)
- **OST (paid or unpaid):** 40 hours leave
- **Oregon PFML (paid):** Twelve weeks of leave and up to two additional weeks related to pregnancy, childbirth or a related medical condition, including lactation.
- **Short Term Disability (paid):** Six weeks of benefits

	Weeks																									
Leave Type	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26
FMLA	●	●	●	●	●	●	●	●	●	●	●	●														
OFLA	●	●	●	●	●	●																				
OST	●																									
OR PFML							●	●	●	●	●	●	●	●	●	●	●	●	A	A						
STD	BW	BW	BW	BW	●	●																				

A = additional weeks available

BW = benefit waiting period

Note: Note: Kayla's STD benefit amount may be reduced during weeks 5-6 by the PFML she would be eligible to receive as of the leave start date but chose to defer.

## Scenarios



### Family leave example showing potential use of intermittent leave

Jim is taking leave to care for an aging family member. He needs three weeks of leave on an intermittent basis in one-week increments due to treatment scheduling. Assuming he meets eligibility requirements, the table below shows the interaction of paid and unpaid leave types and STD benefits that Jim may be entitled to.

- **FMLA (unpaid):** Three weeks of leave interspersed with four weeks of work
- **OFLA (unpaid):** N/A. OFLA no longer covers leave to care for a family member with a serious health condition.
- **OST (paid or unpaid):** One week leave
- **Oregon PFML (paid):** Three weeks of leave interspersed with four weeks of work
- **Short Term Disability (paid):** N/A

Leave Type	Weeks																									
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26
FMLA	●	W	W	W	●	W	●																			
OFLA	N/A																									
OST	●																									
OR PFML	●	W	W	W	●	W	●																			
STD	N/A																									

W = week worked

# Scenarios



## Disability leave example:

Pat is taking leave for their own serious health condition. The time needed to care for their chronic, serious health condition will exceed 12 weeks. Assuming Pat meets eligibility requirements, the table below shows the interaction of paid and unpaid leave types and STD benefits that Pat may be entitled to.

- FMLA (unpaid): 12 weeks leave
- OFLA (unpaid): N/A. OFLA no longer covers leave for own serious health condition.
- OST (paid or unpaid): 40 hours leave
- Oregon PFML (paid): 12 weeks leave
- Short Term Disability (paid): 150 days of benefits

Leave Type	Weeks																					
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
FMLA	●	●	●	●	●	●	●	●	●	●	●	●										
OFLA	N/A																					
OST	●																					
OR PFML	●	●	●	●	●	●	●	●	●	●	●	●										
STD	BW/BW/BW/BW				●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●

A = additional weeks available

BW = benefit waiting period

County of Clackamas is providing this information as a resource to its employees. If you are receiving this document from The Standard, The Standard is providing it to you on Clackamas County's behalf.

**If you have questions or want to file for leave, call the Absence Management Service Center at 866.756.8116 or file online at [standard.com/absence](https://standard.com/absence).**

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All coverage is subject to the terms and conditions of the group policy or plan document. If there is any discrepancy between this material and the group policy or plan document, the group policy or plan document will govern. Oregon Paid Family and Medical Leave Insurance underwritten by Standard Insurance Company is provided under policy form numbers: OR2023-PFML, OR2023-PFML-ENDORSEMENT. Short-term disability insurance underwritten by Standard Insurance Company is provided under policy form number GP899-STD/A300.

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