



# **Paid Leave Oregon: The New Bermuda Triangle**

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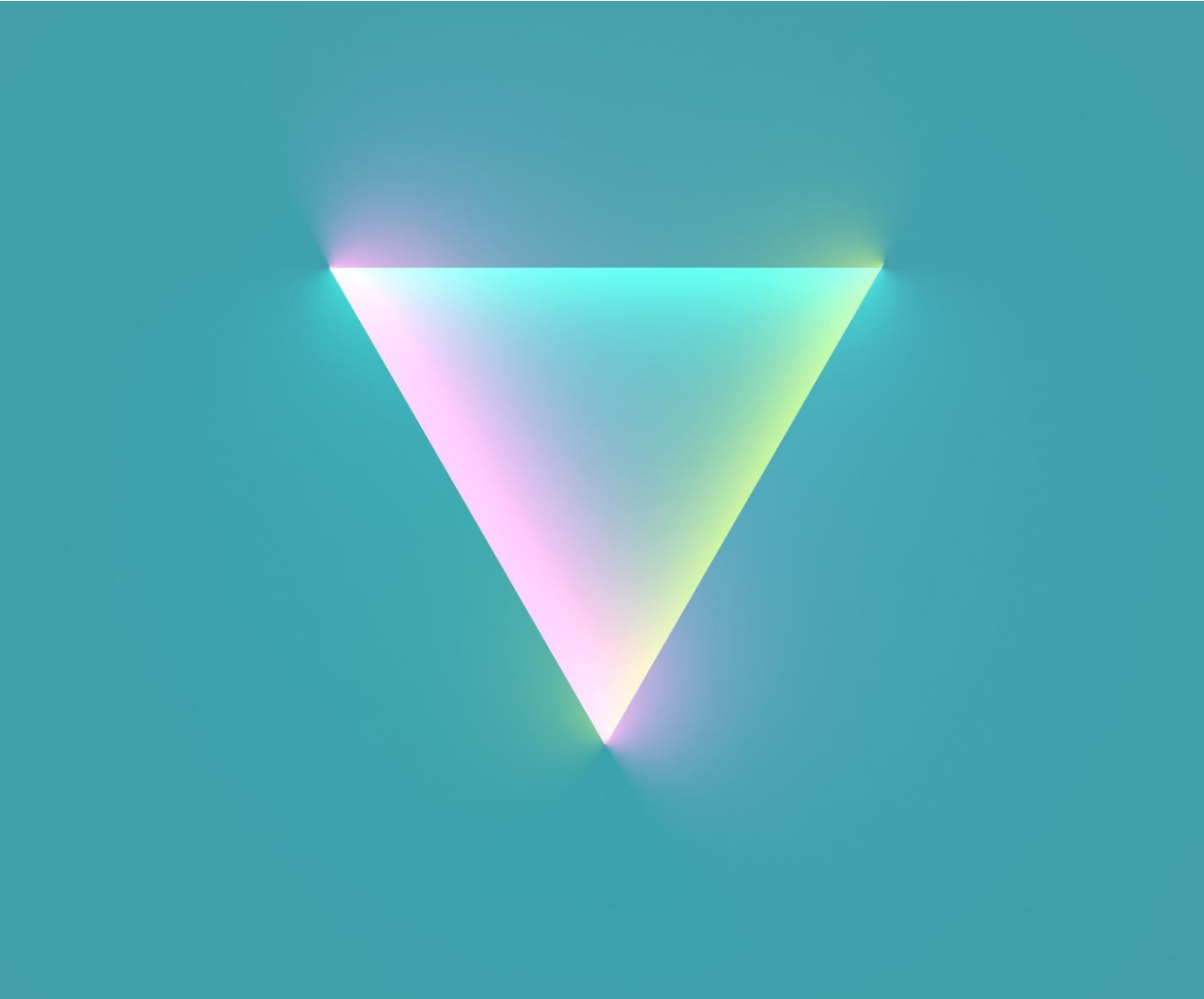
# Agenda

- Paid Leave Oregon: What is it?
- Coverage and Eligibility
- Benefits, Job Protection, & Anti-Retaliation
- Application and Notice Requirements
- Interaction with Other Leaves
- PLO Pop Quiz

# Paid Leave Oregon – What Is It?

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# What is it?



- **Wage replacement benefits program**
  - paid for by employers and employees
  - administered by the Oregon Employment Department (except equivalent plans)
- **From PLO:**

“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.”

# Who Pays? Employees

- Rate set annually, each calendar year, but no more than 1% **total**
- Same rate for all employees – **60% of contribution rate**
- Employees pay maximum rate of 1% of their pre-tax wages, up to \$132,900





# Who Pays? Employers

- All **large** employers pay **40% of contribution rate of up to 1%**
  - Ex. Employee wages = \$1,000
  - Employer contribution = \$6.00
  - Employee contribution = \$4.00
- Rates set annually, each calendar year





# What is a “large employer”?

- Large employer = 25+ employees in **any** state
- Contribute 40% of set rate
- Not eligible for assistance grants



# What is a “small employer”?

- Small employer = less than 25 employees
- Not required to pay **any** employer contributions
- Employees still contribute
- Eligible for assistance grants





# Who Runs the Program?

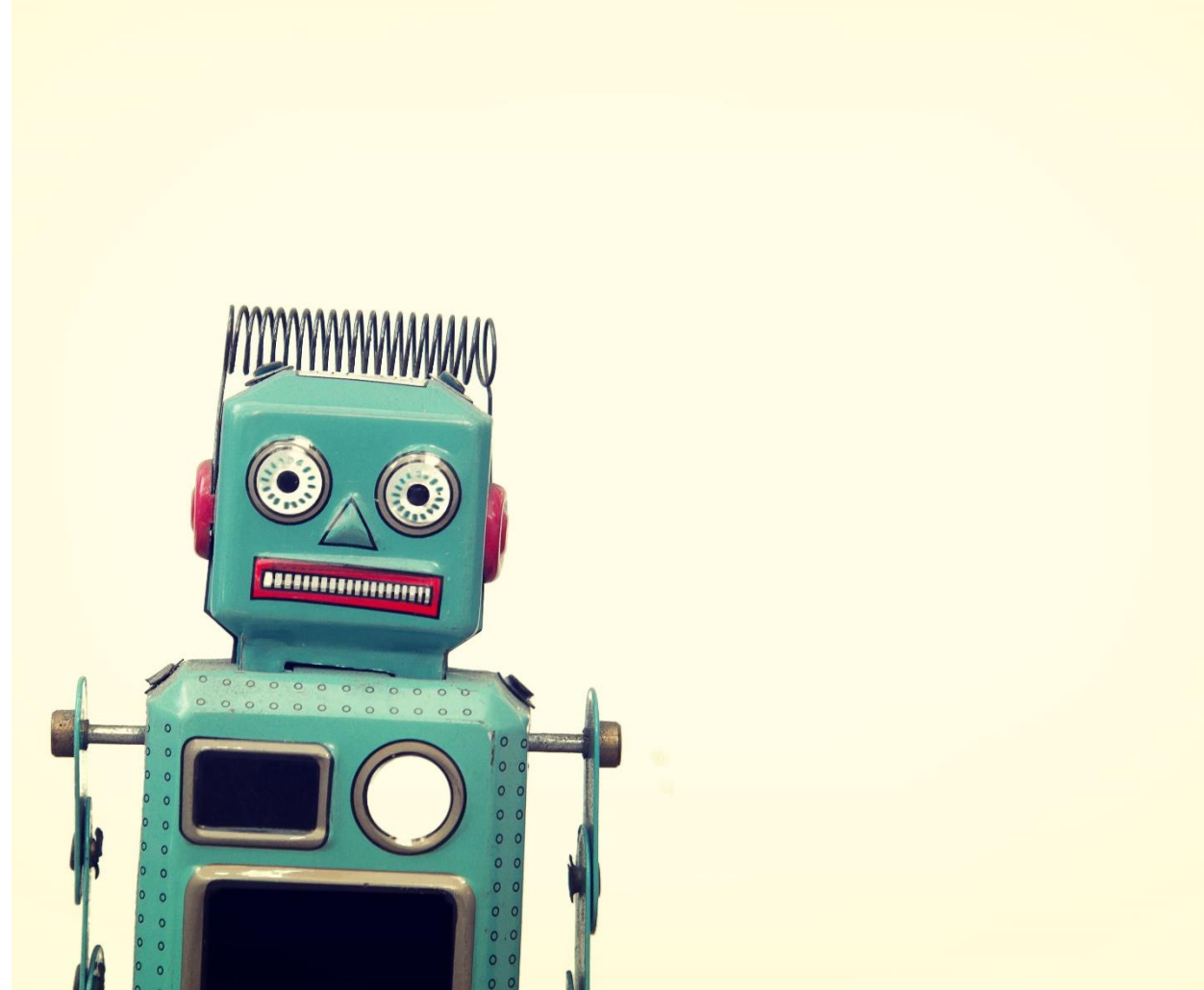
- Oregon Employment Department (OED)
- <https://paidleave.oregon.gov/>



**Paid Leave  
Oregon**

# Where Do Businesses Report?

- Frances Online is the reporting website for Paid Leave Oregon withholdings and unemployment insurance
- Employers will report employee wages that are subject to withholding for PLO, employee contributions based on those wages, and employer contributions on a revised Form-OQ (Oregon Combined Quarterly Report)
- The Form OQ is filed with OED through Frances Online.



# Benefits of Equivalent Plans

- If you already offer paid leave to your employees, you can apply to have that paid leave plan recognized as an equivalent plan
- You can provide greater benefits than PLO
- You don't have to deal with collecting and paying contributions to PLO
- You'll know when employees are applying for PLO right away





# Types of Equivalent Plans





- **Employer administered equivalent plan**
  - employer assumes all financial risk associated with the benefits and administration of the equivalent plan, whether the plan is administered by the employer or a third-party administrator
- **Fully-insured equivalent plan**
  - employer purchases an insurance policy from an insurance company, and the benefits related to the plan are administered through the insurance policy

# Coverage and Eligibility

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# Mandatory Coverage

- All employers with at least one employee working in Oregon 
- All employees working in Oregon who earned at least \$1,000 and contributed to Paid Leave through payroll deductions in the year before applying 



# Who Is An “Employer”?

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A political subdivision of this state or any county, city, district, authority or public corporation, or any instrumentality of a county, city, district, authority or public corporation, organized and existing under law or charter

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An individual

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Any type of organization, corporation, partnership, limited liability company, association, trust, estate, joint stock company or insurance company;

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Any successor to an organization, corporation, LLC, etc.

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A trustee, trustee in bankruptcy or receiver; or

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A trustee or legal representative of a deceased person.

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# Which Employees Are Eligible?

Employees and “certain other individuals” who earned \$1,000 in the previous year prior to requesting benefits.

Must be currently employed in Oregon

Must experience a qualifying event.

Must have contributed to the PLO fund during the base year or alternate base year.

Must submit an application for benefits and not exceed maximum PLO benefit amounts.

Must not be disqualified (e.g. workers' compensation or unemployment)

# Elective Coverage

- Self-employed individuals
- Independent contractors
- Employees of tribal governments





# Benefits, Job Protection, and Anti-Retaliation

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# Duration of Leave

Provides **12 weeks** of paid leave for the following reasons:

- Family Leave (birth, adoption, foster placement);
- Medical Leave (employee's own serious medical condition, or a family member's); and
- Safe Leave (related to domestic violence, stalking, sexual harassment or assault).

Up to 18 weeks of total leave is available:

- **Up to 14 weeks:**
  - The law allows an additional 2 weeks of *paid* leave for limitations related to "pregnancy, childbirth, or a related medical condition, including ... lactation";
- **Up to 18 weeks:**
  - Employees may take up to 4 weeks of *unpaid* leave for the reasons listed in ORS 659A.159/OFLA (birth, adoption, foster placement, care for family member with a serious medical condition, recovery from one's own serious medical condition, and bereavement).

# Duration of Leave

## Continuous or Intermittent:

- Employees can take leave for a workday, a week, or a month at a time.





# Benefit Amount

■ ■ ■ Up to 100% of employee pay, but not necessarily 100%.



Benefits based on the “state’s average weekly wage” (“SAWW”)



Employee Paid Family Leave Benefits will be determined as follows:

If employee’s weekly pay is equal to or less than 65% of the SAWW, the benefit = 100% of the employee’s weekly pay;

If employee’s weekly pay is greater than 65% of the SAWW, the benefit = 65% of SAWW + 50% of the employee’s weekly pay that is greater than the SAWW.



The Maximum benefit = 120% SAWW,  
and the Minimum benefit = 5% SAWW.

# Qualifying Events

## Family Leave

- To care for a family member with a serious illness or injury, or to bond with a new child after birth, adoption or foster care placement.





# Qualifying Events

## Medical Leave

- For your own serious health condition or to care for your family member with a serious illness or injury.



# Who is a “family member”?

- Employee’s or Employee’s Spouse/DP’s:
  - Child
  - Parent
  - Sibling/stepsibling
  - Grandparent
  - Grandchild
  - Spouse/Domestic Partner
  - “Any individual related by blood or affinity whose close association with a covered individual is the equivalent of a family relationship.”





# Qualifying Events

## Safe Leave

- For survivors of sexual assault, domestic violence, harassment, sexual harassment, or stalking.



# Job Protection

An employee who takes PLO will have their job protected while on leave if:

- They have worked for the employer for **90 days**.

**Regardless of employer size.**

But: exception for **small employers** (less than 25 employees)

