

West Linn-Wilsonville School District 3J

Code: GCBDF/GDBDF
Adopted: 2.5.24

OREGON PAID FAMILY MEDICAL LEAVE

Oregon's Paid Family and Medical Leave, also known as "Paid Leave Oregon," (referred to here as "PLO") is a mandatory statewide insurance program that provides qualifying employees with state wage replacement benefits for time off from work that is needed to give or receive care. These benefits are funded by premiums deducted from employees' wages beginning in January 2023 and are administered by the Oregon Employment Department ("OED"). District employees' premium contribution will be reflected on their paystub.

PLO provides paid leave benefits to eligible employees for leaves from work related to qualifying events, beginning on September 3, 2023. These are partial "wage replacement" benefits, with a maximum weekly benefit amount based on the individual's average wages from the previous year. Minimum and maximum amounts are based on the state average weekly wage, which will be updated every year on July 1st. Detailed information is available at www.paidleave.oregon.gov.

Below is some additional information about what you can expect, and how those benefits will work with your existing leave and benefits through the District.

Eligible Employees

To qualify for wage replacement benefits under PLO, an employee must have earned at least \$1,000 in wages in Oregon in the relevant base year, and contributed to PLO through paycheck deductions. Whether an employee qualifies for PLO, and the weekly benefit amount, will be determined by OED when an employee applies.

Qualifying Events

There are three categories of qualifying events and each may require documentation to support the need for leave as determined by OED:

1. Family Leave – For an employee:
 - a. To bond with a new child within the first 12 months after birth, adoption, or foster placement.
 - b. To care for a family member experiencing a serious health condition.
2. Medical Leave – For an employee to care for their own serious health condition.
3. Safe Leave – For survivors of sexual assault, domestic violence, harassment, or stalking, or to obtain legal or law enforcement assistance, seek medical treatment to recover from injuries, obtain counseling or support services, to relocate or take other steps to secure the health and safety of themselves or their dependent child(ren).

A family member is defined in this program as the employee's:

- Spouse or domestic partner;

- Child or the child's spouse or domestic partner;
- Parent or the parent's spouse or domestic partner;
- Sibling or stepsibling or their spouse or domestic partner;
- Grandparent or the grandparent's spouse or domestic partner;
- Grandchild or grandchild's spouse or domestic partner; or
- Any individual related by blood or affinity whose relationship is equivalent to a family member.

Leave Entitlements

District employees who qualify for PLO are entitled to:

- Up to 12 weeks of any combination of Family, Medical and/or Safe Leave (as defined above). When taken concurrently with OFLA leave (see Interplay with Other Leaves below), combined, the maximum amount of leave available to an employee in the benefit year is 16 weeks.
- Up to two additional weeks of paid leave for pregnancy, childbirth and related conditions for a combined maximum of 18 weeks in a benefit year.

Applying for Benefits and Notice to the District

If you are eligible and believe you have a qualifying event, you should notify the Director of Human Resources and apply directly to PLO for benefits at www.paidleave.oregon.gov. If the need for leave is foreseeable, you should provide notice to the District at least thirty (30) days prior to beginning leave, or as soon in advance as you know that you will need leave. If an emergency prevents prior notice, then you must provide verbal notice to the District within 24 hours and written notice within 3 days of starting PLO leave. Verbal notice may be given by any other person on behalf of the employee taking paid leave. Written notice may be given by any person, such as an emergency contact person for the employee, designated in the District's records.

Written notice must include:

- The employee's first and last name;
- The type of leave;
- Explanation of the need for leave; and
- Anticipated timing and duration of leave.

Failure to provide written notice to the District may result in delayed leave start time. Failure to provide notice to OED, may result in a reduction of the first weekly benefit payment by a penalty of 25%.

Continuation of Health Benefits

An employee's existing health benefits will continue until their paid leave ends or the employee returns to work after taking leave.

Supplementing PLO Benefits

PLO wage replacement benefits are in addition to district paid leave and other paid leave benefits provided by the District. However, in most circumstances PLO wage replacement benefits will be less than the employee's regular weekly wages. District employees are permitted to use accrued sick and personal leave to supplement their PLO wage replacement

benefits (that is, to cover the difference between the weekly wage benefits they receive under the program and their regular, straight-time weekly wage) while taking paid leave under PLO, provided it is accrued and available. In no event will district paid leave be advanced to employees for this purpose.

Job Protection and Return to Work

Employees taking PLO will be entitled to job protection (i.e. reinstatement) if they have been employed for at least 90 calendar days. If the position no longer exists, the employee is entitled to be restored to any available position equivalent to their previous position before they took leave.

Interplay with Other Leaves

When an employee takes PLO, FMLA and OFLA will be applied to run concurrently when the reason for leave qualifies under all laws. Once an employee uses PLO, the combined leave entitlement for that benefit year will be limited to a maximum of 16 weeks (up to 12 weeks of PLO and an additional 4 weeks of unpaid OFLA Leave). Additionally, an employee may take up to two additional weeks of paid leave for pregnancy, childbirth and related conditions for a combined maximum of 18 weeks in the benefit year.

If the employee's qualifying reason for taking PLO does not fall under OFLA or FMLA or the employee is otherwise not eligible for or has exhausted their OFLA or FMLA leave, PLO will not run concurrently.

Paid Leave Oregon provides a helpful chart discussing the overlap between paid leave benefits and FMLA, OFLA, and Oregon Sick Leave:

<https://paidleave.oregon.gov/Documents/Paid-Leave-OFLA-FMLA-Chart-EN.pdf>.

Employees cannot receive PLO wage replacement benefits at the same time that they are receiving workers' compensation or unemployment insurance benefits.

Retaliation Prohibited

Retaliation against any employee for inquiring about or taking PLO is prohibited. Any and all concerns about potential retaliation should be reported to the Director of Human Resources.