

**MEMORANDUM**

DATE: June 29, 2020

RE: Required Notices for Oregon Employers; DOL Issues Guidance on FFCRA Coverage of Summer Camps

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Below are some important updates and reminders. In summary, Oregon now requires employers to make reasonable accommodations for employees with known limitations related to pregnancy, childbirth, or a related medical condition; and the Department of Labor (DOL) has issued guidance on FFCRA coverage for summer camps and similar programs.

**Important Reminder: Reasonable Accommodation Notice**

As of January 1, 2020, Oregon requires employers with at least six employees to make reasonable accommodations for employees with known limitations related to pregnancy, childbirth or a related medical condition. As part of this new law, employers are required to provide notice to their employees about the new protections. Specifically, employers need to do the following:

- Post a notice in a conspicuous and accessible workplace location;
- Provide a notice to all new employees at time of hire;
- Provide a notice to all existing employees no later than June 29, 2020; and
- Provide a notice to any pregnant employee within 10 days after the employer receives the notice.

Fortunately, employers can use the same notice for each of the requirements set forth above. Here is a link to the BOLI template notice: ([available here](#) as Word .docx download).

**DOL Issues Guidance on FFCRA Coverage for Summer Camps and Other Programs**

Under the Families First Coronavirus Relief Act (FFCRA), employers are required to provide up to 12 weeks of paid leave to employees who are unable to work or telework because their child's school or place of care has closed due to COVID-19, or their child's care provider is unavailable due to COVID-19-related reasons.

With the end of the traditional school year, many employers have asked whether they are still obligated to provide leave. Last week the U.S. Department of Labor issued Field Assistance

Bulletin No. 2020-4, which provides additional guidance on that question. In a nutshell, the Bulletin affirms that:

- Leave is only available if the child would have been enrolled in a day care facility, summer school program or “place of care” that has “closed;” or if the child’s care provider remains unavailable due to COVID-19-related reasons.
- A closed summer school program will be covered by the FFCRA if the child’s planned schooling consisted of academic work required and provided by the school attended by the child during the academic year.
- “Places of care” under the FFCRA include summer camps, summer enrichment programs and other summer programs.
- A “closure” includes partial closures, where the program is operating at reduced capacity and as a result, the child is unable to attend.
- As with other closures, employees who are unable to work due to summer program closures must provide the employer with name of the summer program, verification of the closure, and “evidence that the child had planned to attend the camp or program.” A parent’s mere interest in a camp or program is not enough.
- Evidence that the child had planned to attend includes submission of an application and/or payment of a deposit; placement on a waiting list; or a recent history of prior attendance and current eligibility.

As a reminder, unless extended the FFCRA expires on December 31, 2020, and the child care expansion of the Oregon Family Leave Act expires on September 13, 2020.

For more information, please contact our Labor and Employment attorneys, Amanda Walkup, Andy Lewis and Mario Conte.

*This summary provides general information and should not be construed as legal advice or a legal opinion on any specific facts or circumstances. If you have specific legal questions, you are urged to consult with your attorney concerning your own situation.*