

MEMORANDUM

DATE: March 11, 2024

RE: Oregon Legislature Eliminates (Most of) the Overlap Between OFLA and Paid Leave Oregon

Once again, the Oregon Legislature made big changes to Oregon’s most significant leave laws: the Oregon Family Leave Act (OFLA) and Paid Leave Oregon (PLO). As explained below, most of the changes made by [SB 1515](#) are welcome and should make things easier for employers.

The overall goal of the bill was to minimize the overlap between OFLA and PLO, which has made administering those leaves complicated and confounding. This was done by eliminating several types of leaves that have historically been protected under OFLA. With a few exceptions, most changes take effect July 1, 2024. The following chart illustrates those changes and how OFLA and PLO will compare starting in July:

	Old OFLA (before 7/1/24)	New OFLA (effective 7/1/24)	Paid Leave Oregon
Amount of Leave	12 weeks per leave year	12 weeks per leave year	12 weeks per leave year
Qualifying Purposes			
Employee’s own serious health condition	Yes	No	Yes
Family member’s serious health condition	Yes	Only for children	Yes
Parental Leave	Yes	No	Yes
Sick child leave	Yes	Yes	No
Extended leave for a pregnancy	Yes	Yes (12 weeks)	Yes (2 weeks)
Military family leave	Yes	Yes	No
Bereavement leave	Yes	Yes	No
Domestic violence, sexual assault, harassment, or stalking	No	No	Yes

As you can see, OFLA now plays a much smaller role than it has historically, and with the exception of extended leave for pregnancy and absences for children with serious health conditions, there is no overlap between OFLA and PLO. In other words, PLO now takes the primary role in Oregon's protected leave laws and is supplemented by OFLA.

Of course, it's not quite that simple. Here are some other important changes and implications wrought by SB 1515:

- For sick children, OFLA will continue to cover up to 12 weeks of sick child leave to care for a child who requires home care due to a non-serious illness or injury (or because of school or child care closure). OFLA will also continue to include leave for a child's serious health condition. The upshot is that an employee could take 12 weeks of paid PLO leave for a child's serious health condition and another 12 weeks of unpaid OFLA sick child leave for the same child (or other sick kids) in the same leave year.
- Under the new OFLA, bereavement leave related to the death of a family member will continue to be up to 2 weeks per death, but is now capped at a maximum of 4 weeks of per year (which counts toward the overall 12-week entitlement).
- In addition to other leave available under OFLA and PLO, a pregnant employee may take up to 12 weeks of unpaid OFLA leave for their own illness, injury, or condition related to pregnancy or childbirth.
- All OFLA leave will be in addition to, and will not run concurrently with, PLO leave.
- From July 1 through December 31, 2024, OFLA will provide up to 2 additional weeks of unpaid leave "to effectuate the legal process required for placement of a foster child or the adoption of a child." Effective January 1, 2025, leave for that purpose will be covered by PLO.
- Employers must let their employees choose to use any accrued leave to supplement their PLO benefits to the extent that the total combined amount does not exceed full wage replacement. At the same time, employers may allow their employees to use accrued leave up to the full number of missed hours, so that they take home more than their full wage. And employers may determine the particular order in which accrued leave must be used when more than one leave type is available.

In light of these changes, you will need to review and revise your leave policies, forms, and procedures. And we anticipate new guidance and rulemaking from BOLI and the Employment Department, hopefully in short order.

For more information, please contact our attorneys, [Amanda Walkup](#), [Mario Conte](#), and [Elizabeth Stubbs](#).

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.