

Oregon Family Leave Act Facts

Overview: The Oregon Family Leave Act (OFL) requires employers of 25 or more employees to provide workers with job-protected leave to care for themselves or a family member in cases of illness, injury, childbirth, or adoption.*

Eligibility – Workers in companies with 25 or more employees who have been employed at least 180 calendar days for an average of 25 or more hours per week. Workers on parental leave do not need to work a minimum number of hours, but must have been on the job at least 180 days.

Qualifying conditions

- Serious health condition of the employee
- Serious health condition of the employee's child (of any age), spouse, same-sex domestic partner, parent, or parent-in-law (including parent of domestic partner)
- Pregnancy or childbirth related disability and routine prenatal care
- Birth, adoption, or placement of a foster child
- Sick child requiring home care

Amount of leave

- 12 weeks within any one-year period
- Women are entitled to an additional 12 weeks for pregnancy and childbirth related conditions
- Parents who take leave to care for a new child are entitled to an additional 12 weeks to care for a sick child
- Workers in companies of 50 or more who take leave for reasons covered by OFL but not FMLA would also be entitled to FMLA leave; when both OFL and FMLA apply, workers are only entitled to 12 weeks of leave
- While most workers would only qualify for 12 weeks in any year, men might be eligible for up to 24 weeks and women might be eligible for up to 36 weeks

Access to paid leave

- Employees must be allowed to use accrued vacation during any OFL leave
- Workers on parental leave must have access to accrued sick leave
- Employers may apply existing sick leave policies for non-parental leaves
- Employers may require employees to exhaust all accrued paid leave before taking unpaid leave

History

- Adopted in 1995 by a Republican Senate and House, signed into law by Democratic Governor Kitzhaber.
- Leading architect of the OFL was then Senate President Gordon Smith, R-Pendleton, who managed his family's frozen vegetable processing company and is now a U.S. Senator.†

* Oregon Bureau of Labor and Industries, http://egov.oregon.gov/BOLI/CRD/C_Oflafacts.shtml

† <http://gsmith.senate.gov/public/index.cfm?FuseAction=Biography.Home>