

Electronic Alert

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Important Updates to OFLA & Oregon Sick Time Rules

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On March 1, the Oregon Bureau of Labor and Industries (BOLI) amended the Oregon Family Leave Act (OFLA) and sick time rules. While many of the changes simply clarify definitions and eliminate unnecessary statutory citations, employers should take note of the following key changes:

Attestation for Family by “Affinity”: An employer may require an employee who uses OFLA or sick time to care for or to grieve the death of a family member who is related by affinity to attest in writing that the employee and the family member have a significant personal bond similar to a family relationship. The rule includes an example of the written attestation form and common examples of when a relationship is like a family relationship.

Employee Eligibility: When determining an employee’s eligibility for OFLA leave based on days and average hours worked, an employer must count any hours of protected leave taken, including OFLA leave.

Domestic Partners: Aligns the definition of “family member” to the updated statutory definition by eliminating the requirement that a domestic partner be the same gender as the employee.

Pregnancy Termination & Fertility Treatments: Amends the definition of “serious health condition” and “pregnancy disability” to include a period of disability due to fertility or infertility treatment or pregnancy termination.

Transitioning the OFLA Leave Year: Clarifies that when an employer transitions their OFLA leave year to the rolling forward leave year, employees must be provided a new, full bank of leave.

Fitness for Duty Certifications: Before returning an employee to work after taking OFLA leave for the employee’s own serious health condition, an employer may require the employee to provide verification from the employee’s health care provider that the employee is able to resume work provided that the employer applies this practice uniformly and pays for the medical verification.

Sick Leave & Paid Leave Oregon: Clarifies that an employee may use sick leave for any Paid Leave Oregon-qualifying purpose, including when an employee is receiving Paid Leave Oregon benefits.

Between these rule changes and the legislative changes to OFLA expected to go into effect on July 1, employers should start now with reviewing and revising their OFLA and Oregon sick leave policies and procedures.

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