


Overview of Family Leave Laws in the United States

Please note that these paid sick time materials do not represent an exhaustive overview of the state, county, and city family leave laws described, and it does not constitute legal advice. It is possible that additional provisions not described in these materials may apply to a worker's specific circumstances or category of employment.

 <p>For more information visit</p> <p>A Better Balance (ABetterBalance.org)</p>	<p>Oregon</p>
<p>What purposes can leave be used for?</p>	<p>Medical leave can be used for a worker's own serious health condition. Family leave can be used to (1) bond with a child within one year of the child's birth or placement for foster care or adoption; or (2) care for a family member with a serious health condition.</p> <p>Safe leave can be taken to address certain medical and non medical needs arising from domestic violence, harassment, sexual assault, bias crimes or stalking. <i>In Oregon, a bias crime is motivated by bias against the perception of a person's race, color, religion, gender identity, sexual orientation, disability, or national origin.</i></p>
<p>Who is covered?</p> <p>California, New Jersey, Rhode Island, Washington State, Massachusetts, and Connecticut also provide some coverage for previously covered workers who have a qualifying need for family or medical leave while they are unemployed, while New York and Hawaii also provide some coverage for previously covered workers who have a qualifying need related to the worker's own health. Details vary by state. States that aren't currently implementing their programs will also likely provide some coverage for previously covered workers during unemployment, though final regulations will be needed to specify details</p>	<p>Almost all employees are covered.</p>
<p>Are public sector workers automatically covered?</p> <p>Note that no state law covers federal employees.</p>	<p>Yes, except employees of federal and tribal governments. Tribal governments may opt in to coverage.</p>



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Are domestic workers covered?

Yes.

Can self-employed workers opt-in to coverage?

Yes.

What are the requirements to qualify for benefits?

Workers must have earned at least \$1,000 during the base year. The base year is the first 4 of the last 5 completed quarters or the 4 most recently completed quarters. This can combine income from more than one employer.

What family members are covered?

A family member includes a worker's spouse or registered domestic partner, sibling, child, child's spouse or domestic partner, grandparent, grandchild, parent, parent-in-law or parent of the worker's registered domestic partner, or any individual related by blood or affinity whose close association with a covered individual is the equivalent of a family relationship.

Workers can also take leave to care for the spouse or registered domestic partner of the worker's parent, sibling, grandparent, and grandchild. This list covers family members a worker can take leave to care for when they are seriously ill. Paid leave under the law can also be used as safe leave to address certain medical and non-medical needs arising out of the worker or the worker's minor child or dependent being a victim of domestic violence, harassment, sexual assault, or stalking.



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How is the program funded?

Workers and employers share the costs of all leave. Employers can withhold up to 60% of the contribution from workers' wages; employers cover the remaining costs. Employers with fewer than 25 employees are not required to pay the employer contribution.

Employers with less than 25 employees may apply to receive certain grants if they elect to pay the employer contribution.

The total premium is 1% of wages.

For 2024 and annually thereafter, the state will set the premium pursuant to statutory requirements and not to exceed 1% of wages.

Premiums do not apply to wages above the Social Security contribution base.

What percentage of wages do workers receive?

100% of a worker's average weekly wage up to an amount equal to 65% of the statewide average weekly wage and 50% of a worker's average weekly wage above an amount equal to 65% of the statewide average weekly wage

What is the maximum weekly benefit?

120% of the statewide average weekly wage
Current: \$1,523.63/week

For how long can a worker receive benefits?

No.

Own health: Up to 12 weeks in any benefit year.

Family leave: Up to 12 weeks in any benefit year.

Safe leave: Up to 12 weeks in any benefit year.

Total: Up to 12 weeks in any benefit year.

Workers with certain pregnancy- and childbirth-related health needs (including lactation) may receive up to an additional 2 weeks of benefits, which can be combined with other uses up to a total of 14 weeks in any benefit year.

Is there an unpaid waiting period?

No.



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Are workers entitled to have their jobs back when they return?

Yes, if they have been employed by their employer for at least 90 days before taking leave.

A worker returning from leave under Oregon's law must be restored to the worker's prior position or "any available equivalent position with equivalent employment benefits, pay and other terms and conditions of employment." If a worker's employer has fewer than 25 employees and the worker's prior position no longer exists, the worker's "employer may, at the employer's discretion based on business necessity, restore the eligible employee to a different position with similar job duties and with the same employment benefits and pay." Workers who receive health insurance through their employers are entitled to continuation of those benefits while on paid family and medical leave.

Workers may also have protections under other laws, such as the FMLA or the Oregon Family Leave Act.

How is the insurance provided?

By default, workers are covered by the state fund. Employers can apply for approval of an equivalent plan, which must provide benefits at least equivalent to those available through the state.

Statutory Citation

Or. Rev. Stat. § 657B.005 et seq.