



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: August 30, 2023

SUBJECT: County Policy update for HR-12 Family and Medical Leave to incorporate the Paid Leave Oregon program

RECOMMENDED MOTION:

Move approval of County Administrator signature of revised Human Resources Policy HR-12, Family and Medical Leave.

BACKGROUND AND POLICY IMPLICATIONS:

Staff has updated county policy HR-12 Family and Medical Leave, to incorporate the Paid Leave Oregon program. The program is effective September 3, 2023 and the proposed updated policy includes the information relevant to Paid Leave Oregon as well as Senate Bill 913 and 999 which were signed in June 2023 and intended to harmonize the Oregon Family Leave Act and the Paid Leave Oregon program. The changes are summarized as follows:

- General administrative and formatting clean-up and updates to align with current administrative processes.
- Adding the provisions of the Paid Leave Oregon (PLO) Program, begins effective September 3, 2023.
 - Allow employees to elect to use accrued leave to supplement the employee's PLO benefit up to approximately 100% of the employee's average weekly wage.
 - PLO employee eligibility, defined by ORS and OARs.
 - Defined eligible family members under PLO (same as OFLA below).
 - Eligible paid leave situations under PLO:
 - To care for family members (as defined under OFLA) with a serious health condition.
 - To bond with a child in the first year after birth, through adoption, or when they're placed in your home through foster care.
 - Medical leave to care for yourself when you have a serious health condition.

- Safe leave for survivors of sexual assault, domestic violence, harassment, and stalking.
- Updated family definition under OFLA which was recently amended to align with PLO (bolded were added):
 - To care for a family member with a "serious health condition." Under OFLA, eligible family members include those covered under FMLA as well as a child's spouse or **domestic partner**, a parent's spouse or **domestic partner**, a **sibling or stepsibling or the sibling's or stepsibling's spouse or domestic partner**, a grandparent or the grandparent's spouse or **domestic partner**, a grandchild or the grandchild's spouse or **domestic partner**, a **domestic partner**, or **any individual related by blood or affinity whose close association with a covered individual is the equivalent of a family relationship**.
- Duration of leave and leave year tracking method updated as required in SB 999 (2023) to align with PLO leave year. *This will change our method from a 12 month rolling backward to a 12 month rolling forward. Notice will be provided to employees in accordance with the law.*
 - OFLA leave year must be a period of 52 consecutive weeks beginning on the Sunday immediately preceding the date on which family leave commences.
 - Parental leave can be taken intermittently under PLO and with department approval under OFLA.
- Confirms all protected leaves (OFLA, FMLA, and PLO) will run concurrently when permissible.

BUDGET IMPACTS:

The premium costs associated with the State Plan for Paid Leave Oregon have been included in the budget.

ATTENDANCE:

Kathleen Hinman, Human Resources Director
Sue Henderson, Benefits and Leave Coordinator