

City of St. Helens
RESOLUTION NO. 1988

A RESOLUTION TO AMEND THE CITY OF ST. HELENS
PERSONNEL POLICIES AND PROCEDURES HANDBOOK
(RESOLUTION NO. 1913, AS AMENDED) ADDING A POLICY ON THE
NEW PAID LEAVE OREGON LAW

WHEREAS, the City finds it necessary to update the Personnel Policies and Procedures Handbook to reflect changes in the law; and

WHEREAS, the State of Oregon implemented the Paid Leave Oregon law which requires the City to establish a policy for employees.

NOW, THEREFORE, THE CITY OF ST. HELENS RESOLVES AS FOLLOWS:

Section 1. Section 003 of the City of St. Helens Personnel Policies and Procedures Handbook is hereby amended to add the following Paid Leave Oregon policy which takes effect immediately:

003. TIME OFF AND LEAVES OF ABSENCE

N. Paid Leave Oregon (a State of Oregon run program)

Poster

A poster with Paid Leave Oregon (PLO) information, including eligibility and information about how to apply for benefits is in each building's breakroom and should be cross-referenced while reviewing this policy.

More information on Paid Leave Oregon and instructions on how to apply are available on the Paid Leave Oregon website: <https://paidleave.oregon.gov/employees/overview.html>

Reasons for Leave and Leave Length

PLO is a state-run program that allows eligible employees to take up to 12 weeks of paid time off per benefit year, for the following reasons:

- *Family leave* – for an employee to care for a family member with a serious illness or injury, or to bond with a new child after birth, adoption, or foster care placement.
- *Medical leave* – for an employee experiencing their own serious health condition or disability due to pregnancy.
- *Safe leave* – for an employee or eligible child dependent experiencing issues related to sexual assault, domestic violence, harassment, or stalking.

The PLO program also allows an employee to take an additional two (2) weeks of paid leave for pregnancy, childbirth, or related medical conditions.

An additional four (4) weeks of unpaid leave is also allowed for other OFLA protected reasons.

Eligible Family Members

Paid Leave Oregon allows an employee to take Family leave for the following family members:

- A spouse or domestic partner
- A child (biological, adopted, stepchild, or foster child), a child's spouse or domestic partner's child, or the child's spouse or domestic partner
- A parent (biological, adoptive, stepparent, foster parent, or legal guardian), the parent of a spouse or domestic partner, or the employee's parent's spouse or domestic partner
- A sibling or stepsibling or their spouse or domestic partner
- A grandparent or grandparent's spouse or domestic partner
- A grandchild or grandchild's spouse or domestic partner
- Anyone the employee is related to by blood
- Anyone who is connected to the employee and has a family relationship

Paid Leave Oregon may require documentation and/or attestation of eligibility.

Notification Requirements

Although the plan is administered by Paid Leave Oregon, the City requires employees to notify Human Resources when they have applied for PLO leave.

Foreseeable Leave: If the need for PLO leave is foreseeable or planned, the employee is required to provide the City at least 30 days' written notice before paid leave is to begin (see notice requirements below). Written notice should be submitted using the Leave of Absence Request Form and emailed to employee's supervisor and Human Resources.

Unforeseeable: If the need for PLO leave is unforeseeable or unplanned, an employee is required to provide oral notice to the City within 24 hours of the start of the leave, and the employee must also provide written notice within three (3) days after the start of the leave. Written notice should be submitted using the Leave of Absence Request Form and emailed to employee's supervisor and Human Resources.

Written notice must include the employee's first and last name, type of leave, explanation of the need for leave, and anticipated timing and duration of leave. Timing and duration of leave should include the employee's plan for taking leave on an intermittent basis or in one block of time.

If the employee's dates of scheduled leave change, are extended by PLO, or if the reason for leave becomes known and/or, if circumstances change during the leave and the leave period differs from the original request, the employee must notify their supervisor and Human Resources within three (3) business days, or as soon as possible.

Regardless of the reason for leave, or whether the need for leave is foreseeable, employees are expected to comply with the City's normal call-in procedures.

Under Oregon law, an employee who fails to follow these notification requirements may receive reduced PLO benefits; specifically, the first weekly benefit amount will be reduced by 25 percent (the penalty calculated for leaves that are taken in increments of less than a full work week differs). See OAR 471-070-1310(9) and (10).

Concurrent use of FMLA/OFLA Leave

As allowed by law:

If an employee's PLO leave is also eligible for protected leave under the Family and Medical Leave Act (FMLA) and/or the Oregon Family Leave Act (OFLA), FMLA and/or OFLA leave must be taken concurrently with PLO leave.

Employees must provide sufficient information for the City to determine if the leave qualifies for FMLA and/or OFLA protection. Employees who have requested or have been approved for PLO leave are required to complete a Leave of Absence Request Form, have your supervisor review and approve/deny it, and then send it to Human Resources.

If an employee is eligible for FMLA and/or OFLA leave due to a "serious health condition" or has a family member with a "serious health condition", employees must furnish the City sufficient medical certification information as required by the City's FMLA and/or OFLA policy. A specific form will be given to employee after a request has been submitted.

Please refer to the City's FMLA/OFLA policies for more information about submitting a Leave of Absence Request Form, and/or medical certification. The City's FMLA/OFLA policies begin on page 30.

Leave Year Calculation Method

PLO is calculated as a period of 52 consecutive weeks beginning on the Sunday immediately preceding the date on which leave is taken.

Accrued Leave and Holiday Pay While on Leave

Employees on PLO leave will not accrue sick, vacation, or other employer-provided leave, and employees will receive holiday pay.

Benefits While on Leave

If an employee is on a state approved PLO leave, the City will continue the employee's medical, dental, life, disability, and all eligible voluntary coverage, on the same terms as if the employee had continued to work. An employee wishing to maintain coverage when on a state-approved PLO leave, is responsible for paying their share of premiums, the same as when premiums were paid by the employee, prior to the PLO leave.

Medical Certification Prior to Returning to Work

If an employee takes more than three consecutive scheduled workdays for their own serious health condition, and the leave is used concurrently with FMLA and/or OFLA, the employee must furnish, prior to returning to work, medical certification from their health care provider stating that the employee is able to resume work.

Job Protection (ORS 657.060)

Employees who have worked for the City for more than 90 consecutive calendar days prior to taking PLO leave will be reinstated to their former position, if the position still exists. If the position has been eliminated, the employee will be reassigned to an available equivalent position for which the employee is qualified with equivalent employment benefits, pay, and other terms and conditions

of employment.

Reinstatement is not guaranteed if the position has been eliminated under circumstances where the law does not require reinstatement.

Employees are expected to promptly return to work when the circumstances requiring PLO leave have been resolved. If an employee does not return to work at the end of a PLO leave, reinstatement may not be available unless the law requires otherwise.

Employees who work for other employers while taking PLO leave may be subject to discipline up to and including termination. Additionally, all employees who use PLO leave for reasons other than the reason for which leave had been granted may be subject to discipline up to and including termination.

Use of Accrued Leave to Supplement Paid Leave Oregon Benefit

Paid Leave Oregon benefits will not provide the majority of employees with 100% of their gross regular wages, so employees receiving PLO benefits, may choose to supplement their PLO benefits with other available paid leave such as accrued paid leave [sick, vacation, etc.], and/or comp time, up to or close to 100% of the employee's regular gross wage. Supplemental leave can only be requested in hourly increments.

To request use of employer compensation, employees are required to complete, sign, and then submit, a Supplemental Compensation Request Form, along with their PLO benefit determination letter, no later than the last date and time the City requires employees' regular payroll submissions to be submitted. The City will then determine the amount of accrued leave and/or other eligible compensation needed, to bring the wages up to or close to 100% of the employee's regular gross wages. Failure to complete, sign, and return the Supplemental Leave Authorization Form to Payroll in a timely manner may result in the employee's supplemental leave to be delayed and paid in a future paycheck.

Who to Contact for More Information

For more information about the City's Paid Leave Oregon policy, contact Human Resources.

The City does not administer the Paid Leave Oregon program, determine an employee's eligibility, or an employee's benefit payments. For questions about eligibility, concerns or questions about benefit payments or status of payment, employees will need to contact Paid Leave Oregon directly. Employee information and Paid Leave Oregon contact information is available at the following website: [Paid Leave Oregon – Employees Overview](#)

APPROVED AND ADOPTED by the City Council on September 6, 2023 by the following vote:

Ayes:

Nays:

Rick Scholl, Mayor

ATTEST:

Kathy Payne, City Recorder