

Summary of Federal and Oregon Family and Medical Leave Act Provisions

	Oregon Family Leave Act (OFLA)	Federal Family and Medical Leave Act (FMLA)
Covered Employers	25+ employees during at least 20 workweeks in current or preceding year.	50+ employees during at least 20 workweeks in current or preceding year, and all public employers
Eligible Employees	<ol style="list-style-type: none"> 1) Employee must have worked for a covered employer for a period of 180 calendar days immediately preceding the date OFLA leave begins. 2) Employee must have worked an average of 25hrs/week during the 180 day period, unless leave is to care for a new born child or newly placed adoptive or foster child; spousal/domestic partner deployment: 20 hours average under Oregon Military Family Leave Act (OMFLA). 	<p>Employed at least 12 months, worked 1,250 hours during previous 12 months and employed at worksite with 50 employees within 75-mile radius.</p> <p>In the case of an injured or ill service member: an eligible employee is a spouse, child, parent or “next of kin”.</p>
Purpose of Leave	<ol style="list-style-type: none"> 1) Birth of child or placement of child with employee for adoption or foster care. 2) To care for spouse, child, parent, parent-in-law, grandchild, grandparent, same sex domestic partner or same sex domestic partner’s child or parent with a serious health condition. 3) To recover from or seek treatment for a serious health condition of the employee (including pregnancy) that renders the employee unable to perform at least one of the essential functions of the employee's regular position. 4) To care for a sick child who is suffering from an illness or injury that is not a serious health condition but that requires home care when no other family member is willing or able to provide care. 5) For a spouse or registered domestic partner’s call to, or return from active duty in Armed Forces, National Guard or Reserves under OMFLA. 6) To attend the funeral or alternative to a funeral of a family member, to make arrangements related to the death of a family member, or to grieve the death of a family member 	<ol style="list-style-type: none"> 1) Birth of child or placement of child with the employee for adoption or foster care. 2) To care for spouse, child, or parent who has a serious health condition. 3) To recover from or seek treatment for a serious health condition of the employee (including pregnancy) that renders the employee unable to perform at least one of the essential functions of the employee's regular position. 4) A qualifying exigency arising out of a spouse, child or parent’s active duty or call to active duty in the Armed Forces, National Guard or Reserves. 5) To care for a spouse, child, parent or next of kin’s serious injury or illness incurred in the line of duty while on active duty in the Armed Forces, National Guard or Reserves, provided such an injury or illness may render the family member medically unfit to perform duties of the member’s office, grade, rank or rating and to care for a Veteran in treatment or recovery up to five years preceding the date of such treatment.

	Oregon Family Leave Act (OFLA)	Federal Family and Medical Leave Act (FMLA)
Duration of Leave	<p>Twelve weeks of family leave within any 12-month period. Eligible employee entitled to intermittent, serious health condition leave or on a reduced schedule. Female employees may take an additional 12 weeks of leave within a one-year period for a condition related to pregnancy or childbirth. An employee who takes 12 full weeks of leave to care for a newborn, newly adopted, or newly placed foster child may take up to 12 additional weeks of leave within a one-year period to care for a child who requires home care.</p> <p>Up to 14 regular workdays per call to military deployment (included in OFLA 12 weeks).</p> <p>Up to 2 weeks bereavement leave per family member (included in OFLA 12 weeks)</p> <p>May not run concurrently with worker's compensation leave unless claim denied, and/or offered light-duty job is rejected.</p>	<p>Twelve weeks of leave during any 12-month period. Eligible employee entitled to intermittent, serious health condition leave or on a reduced schedule. In the case of an injured or ill service member up to 26 workweeks (including other leave for an FMLA purpose) during a single 12-month period.</p>
Employee Notice	<p>Thirty days' notice of need for leave if the need is foreseeable. Otherwise, as soon as practicable, but in all cases at least oral notice must be given within 24 hours of commencement of leave and written notice within three days after employee returns to work. Employer may reduce the allowed period of leave by time late, up to three weeks in leave year if employee fails to give required notice.</p>	<p>Thirty days notice of need for leave if the need is foreseeable. Otherwise, as soon as practicable. Employer may delay commencement of leave if employee fails to give required notice.</p>
Medical Certification/ Military Verification	<p>Employer may require timely (15 days), complete and sufficient military verification, or medical certification from health care provider of serious health condition or, after all or part of three days, need for sick child home care. Employer may require second opinion concerning a serious health condition at employer's expense; if first and second conflict, a third may be required, which is binding; may require recertification. Employer must pay out-of-pocket costs.</p>	<p>Employer may require timely (15 days) complete and sufficient military verification, or medical certification of serious health condition from health care provider. May require second certification at employer's expense. If first and second conflict, a third may be required, which is binding. May require recertification.</p>
Job Protection	<p>Restoration to position held by employee prior to leave. If position eliminated/no longer exists, employee is entitled to be restored to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.</p>	<p>Restored to same job held when leave began or to equivalent job with equivalent benefits, pay, and other terms and conditions of employment unless job would have been eliminated if leave had not been taken.</p>

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Benefit Continuation	Group health plan coverage must be continued for duration of leave under same terms and conditions as if employee were not on leave (example: employer and employee each must pay their share of premium).	Group health plan coverage must be continued for duration of leave under same terms and conditions as if employee were not on leave (example: employer and employee each must pay their share of premium).
Use of Paid Leave	Employee may elect to use any accumulated paid vacation or sick leave for any OFLA leave. Employer may require use and determine the order of use of accrued paid leave for any part of unpaid OFLA leave (except spousal/domestic partner deployment leave). Leave for workers' compensation may not run concurrently until claim closed, or employee rejects a light-duty offer. Subject to the terms of an agreement, policy or CBA, employees on OMFLA may determine the order of the use of paid leave.	Employee may elect and employer may require use of available paid leave for any part of the 12 weeks of unpaid FMLA leave; employer may limit use of sick, vacation, PTO or any other leave, and may determine the order of use. Leave for workers' compensation may run concurrently.