



**2024 COMPLIANCE  
DMEC CONFERENCE**  
DALLAS, TX | MARCH 25-28, 2024

# State Your Leave: A Case Study Expedition Through Multiple States

March 25, 2024



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- Introduction
- SAWW adjustments
- Eligibility of overlapping plans
- Mismatched reasons for leave
- Stacking
- Benefit years
- What is happening in Oregon?
- Takeaways

# States with PFML

<b>Mandated</b>
California
Colorado
Connecticut
Massachusetts
New Jersey
New York
Oregon
Washington
<b>Coming Soon</b>
Delaware
Maryland
Minnesota
Maine

<b>Voluntary – Private Employers</b>
Alabama
Arkansas
Florida
New Hampshire
Tennessee
Texas
Vermont
Virginia

<b>State-Only Administration</b>
DC
Rhode Island

# States Where PFML Provides Job Protection

California	✘
Colorado	✔
Connecticut	✘
Massachusetts	✔
New Jersey	✘
New York	✔
Oregon	✔

Rhode Island	✔
Washington	✔
Maryland	✔
Delaware	✔
Minnesota	✔
Maine	✔

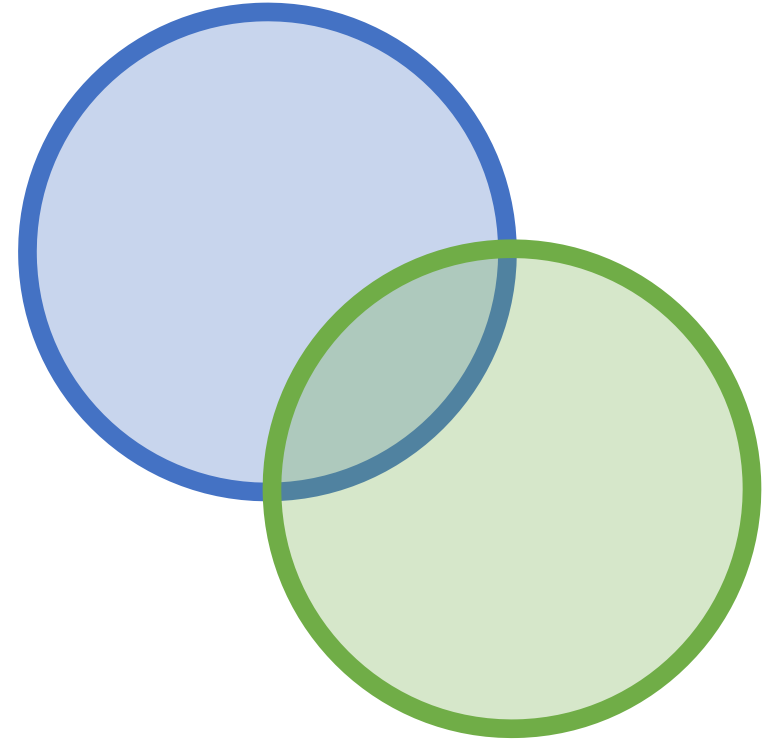
# States with Unpaid Leave that Overlaps with PFML

<b>California</b>	Family Rights Act	Organ Donation
	Family Military Leave	Paid Sick Leave
	Pregnancy Disability	Safe Leaves
	Municipal Leaves	
<b>Colorado</b>	Family Care Act	Paid Sick Leave
	Safe Leaves	
<b>Connecticut</b>	CT FMLA	Family Violence
	Paid Sick Leave	Safe Leaves
<b>Massachusetts</b>	Parental Leave	Sick Leave
	Safe Leave	
<b>New Jersey</b>	Family Leave Act	Paid Sick Leave
	Safe Leave	
<b>New York</b>	Bone Marrow Donation	Safe Leaves
	Paid Sick Leave	Military Spouses Leave
	Military Spouses Leave	Municipal Sick Leave

<b>Oregon</b>	Family Leave Act	OMFLA
	Safe Leaves	Paid Sick Leave
<b>Washington</b>	Military Leave	Paid Sick Leave
	Pregnancy Leave	Pregnancy Disability
	Safe Leave	Municipal Sick Leaves
<b>Maryland</b>	Organ & Bone Marrow	Parental
	Paid Sick Leave	Safe Leave
	Family Military Leave	Municipal Sick Leaves
<b>Delaware</b>	Safe Leave	
<b>Minnesota</b>	Family Military Leave	Military Ceremonies
	Parental Leave	Safe Leave
	Municipal Sick Leaves	
<b>Maine</b>	Paid Sick Leave	Family & Medical Leave
	Family Military Leave	Safe Leave

# Challenges of Multiple Overlapping Leave Programs

- Do the PFML and unpaid laws run together?
- What are some reasons why they wouldn't?
- What happens if they don't?
- Can an employer force the leaves to run at the same time?
- What's the maximum my employee can be out of work?





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# Rate Changes

# Rate Changes

How they affect employers and employees

## Employee Benefits

Depending on the state's rules, can impact:

- Benefit minimum
- Benefit calculation (i.e. breakpoint for tiered benefit calculation)
- Benefit maximum

## Employer Impacts

- For employers applying an offset for the PFML benefits to other benefits (i.e. company-paid plan or disability plan), it is important to know what the employee is being paid.



*When the state changes its SAWW, when does the new SAWW apply?*



# Rate Changes

	Benefits dictated by SAWW in place at start of Benefit Year
<b>MA</b>	The SAWW in effect at the first day of Benefit Year applies for 52 weeks from the start of leave, even if the SAWW changes during that 52-week period.
<b>WA</b>	The SAWW in effect at the first day of Benefit Year applies for 52 weeks from the start of leave, even if the SAWW changes during that 52-week period.
<b>OR</b>	The SAWW in effect at the first day of Benefit Year applies for 52 weeks from the start of leave, even if the SAWW changes during that 52-week period.
<b>MN</b>	The maximum weekly benefit amount applies to a benefit account established effective on or after the last Sunday in October. Once established, an applicant's weekly benefit amount is not affected by the last Sunday in October change in the state's maximum weekly benefit amount.

	Benefit changes when SAWW changes
<b>CT</b>	The SAWW in effect as of first date of leave applies.
<b>NY</b>	The SAWW in effect as of first date of leave applies. When more than three months pass between days of PFL, the next PFL claim is a new claim with the new benefit rate.
<b>CO</b>	The SAWW in effect on any day of leave applies to that day of leave. Benefit rate changes mid-leave/claim.
<b>MD</b>	An increase in the weekly benefit applies only to a claim for benefits filed after the date the increase becomes effective.



	How is payment affected by update to SAWW?
<b>ME</b>	Unknown
<b>DE</b>	Unknown

# Rate Changes

Example: Employee requests 3 leaves:

**Leave 1: December 15 – January 15**

**Leave 2: January 18 – February 2**

**Leave 3: June 1 – June 15**



Employee's weekly benefit calculation with 2023 SAWW = **\$820 weekly**

Employee's weekly benefit calculation with 2024 SAWW = **\$900 weekly**

# Rate Changes



	2023 SAWW: \$820	2024 SAWW: \$900											
	2023	2024											
		J	F	M	A	M	J	J	A	S	O	N	D
Leave 1: December 15 – Jan 15		[Blue bar covering Dec 15, Jan 1, 8, 15]											
Leave 2: January 18 – February 2			[Blue bar covering Jan 18, 19]										
Leave 3: June 1 – June 15							[Blue bar covering Jun 1, 8, 15]						
Rolling Forward Benefit Year (MA, WA, OR, MN, MD, CO)		[Green bar covering entire 2024 period]											

	MA, WA, OR, MN Rate in effect as of 1 <sup>st</sup> day of Benefit Year applies throughout entire Benefit Year	CT, MD Rate in effect on first day of leave applies throughout leave	CO Rate in effect on day applies, even if rate changes mid-leave	NY Rate in effect as of first day of leave applies, unless < 3 mo. have passed from last day of PFL, in which case prior rate applies
Leave 1	\$820	\$820	\$820 (pre Jan 1) \$900 (post Jan 1)	\$820
Leave 2	\$820	\$900	\$900	\$820
Leave 3	\$820	\$900	\$900	\$900



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# Eligibility Mismatches

# Eligibility – Questions to Consider

- What are the eligibility requirements for accessing benefits?
- Does time worked or wages earned with another employer count?
- Is there a separate eligibility requirement for job protection?
- Can eligibility requirements be waived? Should they be waived?



# Eligibility Requirements in PFML

State	Financial eligibility	Length of service or hours worked eligibility	Additional eligibility for job protection
Colorado	✓		180 days
Connecticut	✓		No job protection
Massachusetts	✓		No additional requirement
New York		✓	No additional requirement
Oregon	✓		90 days
Rhode Island	✓		No additional requirement
Washington		✓	1250 hours and 12 months
Maryland		✓	No additional requirement
Delaware		✓	No additional requirement
Minnesota	✓		90 days
Maine	✓		120 days

# Eligibility Requirements in PFML

State	PFML Financial Eligibility	PFML Job Protection	Unpaid Leave Length of Service Eligibility
<b>Colorado</b>	\$2,500	180 days	FCA: 1,250 hours + 12 months
<b>Connecticut</b>	\$2,325	No job protection	FMLA: 3 months
<b>Massachusetts</b>	\$6,300	✓	Parental: 3 months
<b>Oregon</b>	\$1,000	90 days	OFLA: 180 days
<b>Rhode Island</b>	\$16,800*	✓	FMLA: 12 months
<b>Minnesota</b>	\$3,546.97**	90 days	None
<b>Maine</b>	\$1,103.71**	120 days	FMLA: 12 months

\* If this is not met, there is an alternative method to determine financial eligibility.

\*\* Estimated as of January 2024 - subject to change closer to program go-live date





# Eligibility Requirements in PFML

State	PFML Length of Service Eligibility	PFML Job Protection	Unpaid Leave Length of Service Eligibility
<b>New York</b>	26 weeks or 175 days	✓	None
<b>Washington</b>	820 hours Voluntary plan: + 340 hours for that employer	1,250 hours + 12 months	Pregnancy Disability: None
<b>Maryland</b>	680 hours	✓	Parental: 1,250 hours + 12 months
<b>Delaware</b>	1,250 hours + 12 months	✓	None

Jan 2023

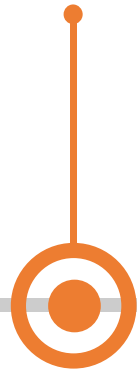


**Meet Lisa**

For the past five years, Lisa has been working at a full-time position in Massachusetts with a monthly salary of \$1,500.

**Big Move**

Lisa quits her job and moves to New York.



Jan 2024

Mar 2024

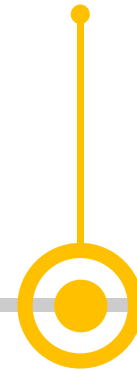


**Hire Date**

Lisa is hired by a New York company to work 3 days (27 hours) per week.

**26 weeks later**

Lisa reaches the threshold for NY PFL eligibility.



Sept 2024

Mar 2025



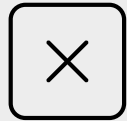
**12 months later**

Lisa reaches the threshold for federal FMLA eligibility.

# Can an employer be more generous?

DOL Opinion Letter March 14, 2019:

An employer may not choose whether an absence qualifies for FMLA.



Cannot apply if the  
FMLA **doesn't** apply



Cannot postpone if the  
FMLA **does** apply

- **29 USC 2653:** “Nothing [in the FMLA] shall be construed to discourage employers from adopting or retaining leave policies more generous than any policies that comply with the requirements under this Act or any amendment made by this Act.”
- **CFR 825.700:** An employer must observe any employment benefit program or plan that provides greater family or medical leave rights to employees than the rights established by the FMLA.

# Can an employer be more generous?

## What about state leaves and PFML programs?

### Can employers be more generous there?

- State FMLA: Typically abide by FMLA rules - but ask!
- PFML: Most explicitly allow employers to be more generous: waive eligibility, increase duration, etc.
- Issues won't arise until employee runs out of leave!

### How can an employer be more generous?

- Separate company plan/entitlement



#### **Employer Tip:**

Exercise caution when being more generous than the law requires!

# Localization of work

## Localization

### **Is the work localized in any state?**

Service is localized in a state if it is performed entirely within the state, or, if it is performed both within and outside the state, and the service performed outside the state is incidental to the individual's service performed within the

## Base of operations

### **Do they work in the state in which the base of operations is located?**

The "base of operations" is the place from which the individual starts work and to which the individual customarily returns in order to receive instructions from the employer, or communications from customers or other persons, or to replenish stocks and materials, to repair equipment, or to perform any other functions necessary to exercise the individual's trade or profession.

## Direction and control

### **Do they work in the state from which their service is directed or controlled?**

The place from which an individual's service is directed or controlled is the place at which the basic authority exists and from which the general control emanates rather than the place at which a manager or foreman directly supervises the performance of services under general instructions from the place of basic authority.

## Residence

### **Where do they reside?**

If none of the other tests apply, all of an individual's service is covered in the state in which they live, provided that some of their service is performed in that state.

# Localization of work

Localization



Base of operations

Direction and control

Residence

- January 2020: Andrew lives in New York and works full time for ABC Technologies, which is based in New York City.
- July 2023: He moves to Austin, Texas, and continues to work for ABC Tech. He comes to New York City twice a year for week-long meetings with his team.
- January 2024: Andrew needs time off to care for his mother who has a serious health condition.

**Where is Andrew located?**

**What leave law/s are available?**

# Localization of work

Localization

Base of operations ✓

Direction and control

Residence

- Amanda works for ANC Capital, a company headquartered in Philadelphia.
- She was promoted to the regional director for the northeast region, and her new office is in New York City.
- She works in New York City, but she also spends considerable time in Philadelphia and Hartford.

**Where is Amanda located?**

**What leave law/s are available?**

# Considerations

- Employee moves from a state with a PFML program to a state without a PFML program (or vice-versa)
- Employee moves from a state with a PFML program to another state with a different PFML program



What are my continuing responsibilities for this employee?





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# Reason Mismatches

# Leave Reason Differences in PFML

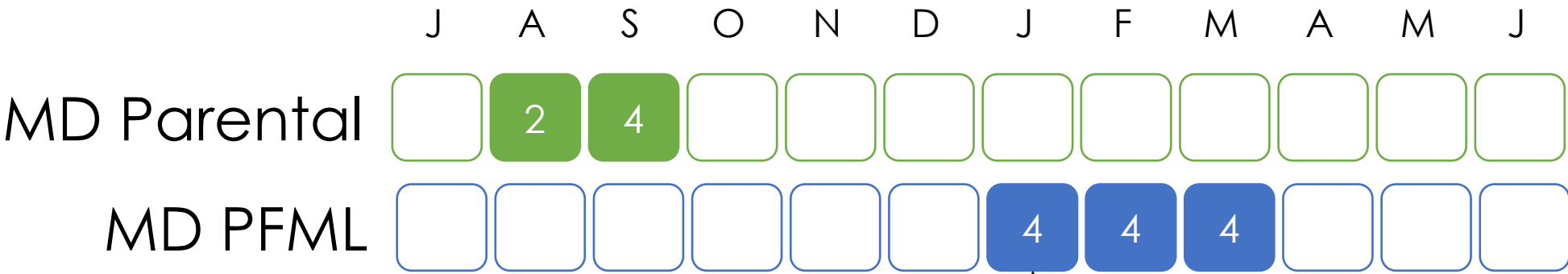
State	Employee Serious Health Condition	Family Member Serious Health Condition	Bonding with a New Child	Military Exigency	Safe Leave	Military Caregiver	Public Health Emergency
California	No	Yes	Yes	Yes	No	No	No
Colorado	Yes	Yes	Yes	Yes	Yes	No	No
Connecticut	Yes	Yes	Yes	Yes	Yes	Yes	No
Massachusetts	Yes	Yes	Yes	Yes	No	Yes	No
New Jersey	No	Yes	Yes	No	Yes	No	Yes
New York	No	Yes	Yes	Yes	No	No	Yes
Oregon	Yes	Yes	Yes	No	Yes	No	No
Rhode Island	No	Yes	Yes	No	No	No	No
Washington	Yes	Yes	Yes	Yes	No	No	No
Maryland	Yes	Yes	Yes	Yes	No	Yes	No
Delaware	Yes	Yes	Yes	Yes	No	No	No
Minnesota	Yes	Yes	Yes	Yes	Yes	No	No
Maine	Yes	Yes	Yes	Yes	Yes	Yes	No

# Misaligned Leave Reasons: Upcoming PFML

**Margot works in Maryland and is eligible for Maryland Parental Leave. She will be eligible for Maryland PFML in 2026.**

- Margot and her husband are planning to have a baby in 2025 (estimated delivery date in August).
- Margot will need 6 weeks to care for a new child but will also need time off to care for her mother who has a chronic serious health condition.

How much time can Margot take?



When Maryland PFML goes live in 2026, Margot will still have the entire PFML entitlement to use for care for a family member and even bonding (if within 1 year of birth).



# Misaligned Leave Reasons: No PFML

- Some states have expanded their covered leave reasons for unpaid leave programs beyond what is covered by PFML, or vice versa.

## **Pregnancy Loss**

California SDI and PFL provide wage replacement benefits for the employee's pregnancy-related disability and recovery from delivery, and for bonding with their new child.

What unpaid leave programs cover pregnancy – specifically, pregnancy loss?

# Unpaid Pregnancy Leave Laws (California)

## Federal FMLA

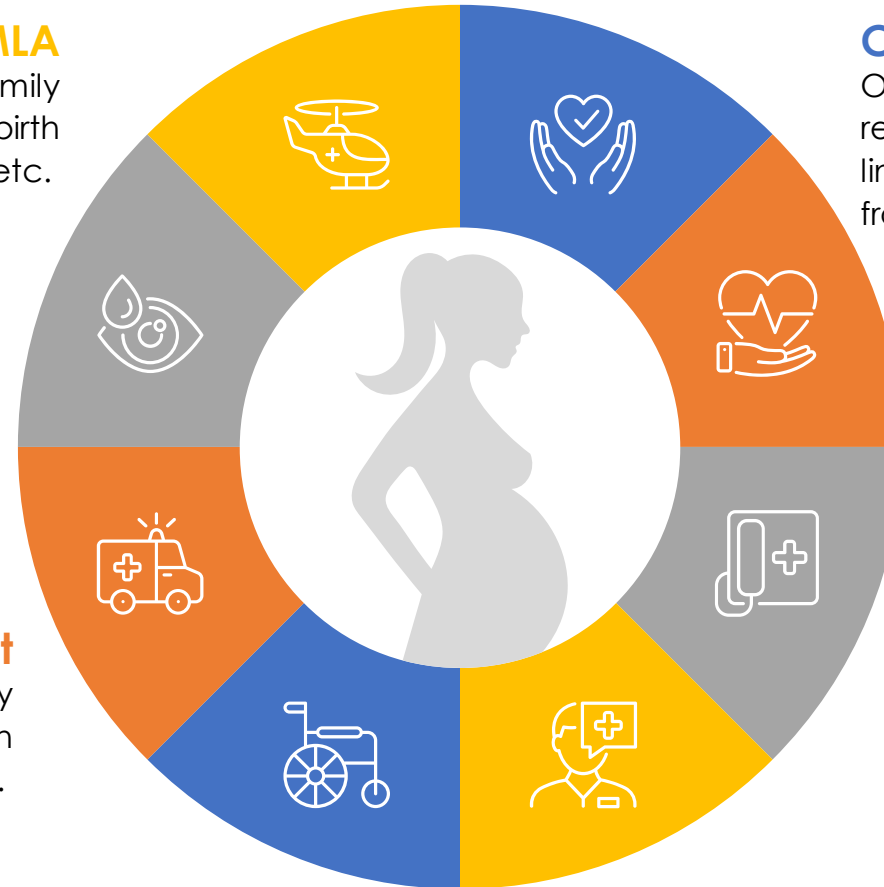
Own serious health condition, care for a family member with a serious health condition, birth or placement of a child, etc.

## Federal PWFA

Leave as a reasonable accommodation due to a worker's known limitations related to pregnancy, childbirth, or related medical conditions

## California Family Rights Act

Own serious health condition, care for a family member with a serious health condition, birth or placement of a child, etc.



## California Pregnancy Disability

Own disability due to pregnancy, childbirth, or a related medical condition. Includes, but is not limited to, loss or end of pregnancy and recovery from loss or end of pregnancy

## California Bereavement

Death of a family member (child, spouse, domestic partner, parent, grandparent, grandchild, or sibling)

## California Reproductive Loss

Reproductive loss event: failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction

# Misaligned Leave Reasons: No PFML?

SDI/PFL



- Leo works for a company headquartered in California.

CFRA



- He and his wife had tried to conceive through IVF treatments but were unsuccessful.

Pregnancy Disability

- He wishes to take time off to grieve the reproductive loss(es).

Bereavement

Reproductive Loss



***What leave law/s are available to Leo?***

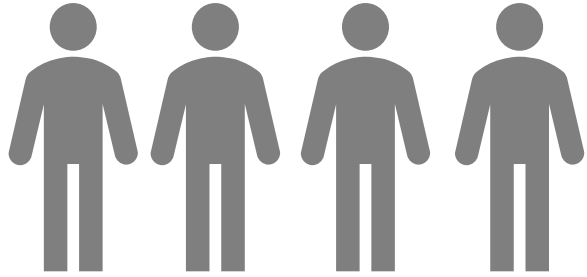


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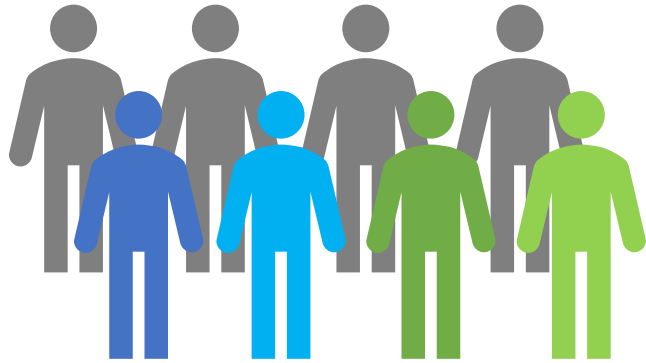
# Relationship Differences

# Relationship Differences



## FMLA

Spouse, parent, son or daughter, next of kin of a covered servicemember



## State Leaves

Typically have a broader definition of "family"; may include in-laws, siblings, grandparents, grandchildren, and equivalent family members

I need time off to take care of my best friend, he hurt his back and can't move. He's like a brother to me.

That's not covered by FMLA.

Connecticut does!





# Relationship Differences

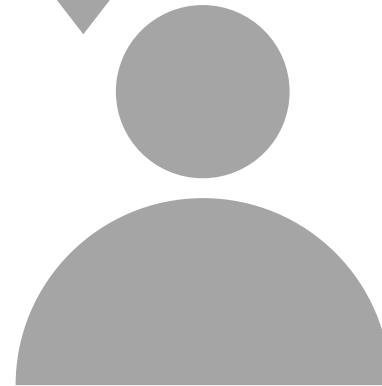
A child of my former partner who lived with me for several years with whom I maintain a parent-like relationship



An aunt who relies on me for unpaid care and has maintained as strong a relationship with me like a parent



My significant other with whom I maintain a familial, spouse-like relationship, despite our lack of legal relationship



## CT Paid Leave Glossary

**“Individual related to the employee by blood or affinity whose close association the employee shows to be the equivalent of those family relationships”** means any person with whom the employee has a significant personal bond that is or is like one of the specific family relationships listed in the statute (i.e. parent, spouse, child, sibling grandparent or grandchild), regardless of biological or legal relationship.

This determination is necessarily situation specific and governed by the circumstances of the individuals involved.

# Mismatched Relationships

Kelsey's neighbor, who she treats like a father, is suffering from a critical illness and needs Kelsey's assistance. On April 1, she takes 12 weeks of leave to care for him. They both live and work in Connecticut.

	J	F	M	A	M	J	J	A	S	O	N	D
CT PFML	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CT FMLA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FMLA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

# Mismatched Relationships

Kelsey's neighbor, who she treats like a father, is suffering from a critical illness and needs Kelsey's assistance. On April 1, she takes 12 weeks of leave to care for him. They both live and work in Connecticut.

On July 1, Kelsey's mother needs help due to a serious health condition and Kelsey requests 6 weeks to care for her.

	J	F	M	A	M	J	J	A	S	O	N	D
CT PFML				4	4	4						
CT FMLA				4	4	4						
FMLA							4	2				

# Mismatched Relationships



**Under the FMLA, “in loco parentis” is permitted.**

To have been in the role of a parent to an employee when the employee was a child, an individual will need to have been in this role when the employee was either under 18 or was 18 years old or older and incapable of self-care because of a mental or physical disability.



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# Stacking

# Stacking

## What Is Stacking?

We've seen some examples of MANDATORY stacking – where the leave laws don't both apply. What about optional stacking? Can an employee choose to refuse a leave and not have a leave plan apply to extend their entitlement?



FMLA: We know FMLA cannot be optionally stacked as the second leave. But what about PFML programs?

**Disadvantage** to employee: Delay pay

**Advantage** to employee: More job protection

# Stacking

State	Stacking permitted (i.e. can opt not to take PFML)
Washington	Yes
Colorado	Yes
New York	No
Oregon	Yes
Massachusetts	No
Maryland	No
Delaware	No
Minnesota	Unclear (not specified in law; no regulations as of January 2024)
Maine	Unclear (not specified in law; no regulations as of January 2024)

Employee needs to care for their mother in March (8 weeks of leave), but his spouse is having a baby later in the year and he would like to save time for bonding leave (12 weeks).

Depending on where the employee is located

	J	F	M	A	M	J	J	A	S	O	N	D
NY PFL	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FMLA	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OR PFML	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FMLA	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Total leave approved: 12 weeks

Total leave approved: 20 weeks





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# Benefit Year Differences

# Benefit Year Differences

State	PFML	Other State Law
<b>Washington</b>	Rolling forward Sunday	Rolling forward Sunday
<b>Colorado</b>	Rolling forward	Rolling forward Sunday
<b>New York</b>	Rolling backward	Rolling backward
<b>Oregon</b>	Rolling forward Sunday	Rolling forward Sunday (starting July 2024)
<b>Massachusetts</b>	Rolling forward Sunday	Rolling forward Sunday
<b>California</b>	Rolling forward	Rolling forward
<b>Connecticut</b>	Rolling backward (state plan); Employer choice (private plan)	Employer choice
<b>New Jersey</b>	Rolling forward	Rolling forward
<b>Rhode Island</b>	Rolling forward Sunday	Calendar year
<b>New Hampshire</b>	Rolling backward (state plan); Employer choice (private plan)	Employer choice
<b>Maryland</b>	Rolling forward Sunday	Rolling forward Sunday
<b>Delaware</b>	Employer choice	Employer choice
<b>Minnesota</b>	Rolling forward (state plan); Employer choice (private plan)	Rolling forward
<b>Maine</b>	Rolling forward Sunday	Rolling forward Sunday

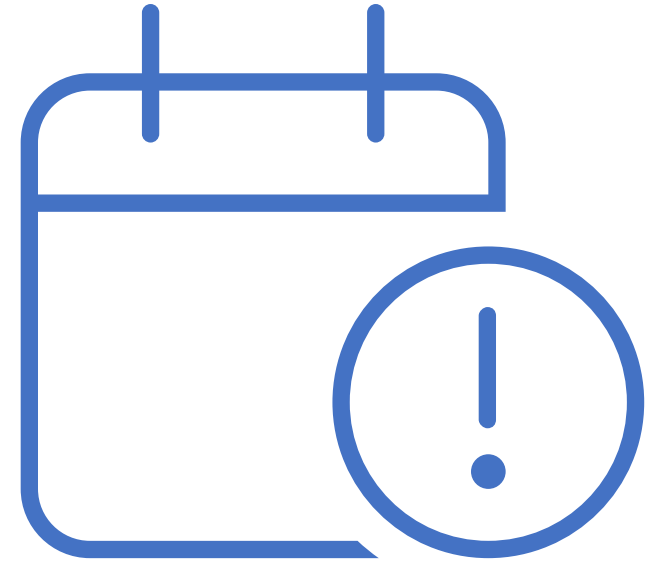
***Does your FMLA benefit year match the Benefit Year/s for the state?***



# Benefit Year Differences

## Employer Tip:

- Check your default calculation year methods in states with a Rolling Forward method for their PFML program – and consider the pros and cons of aligning them!
- Refer to FINEOS handout in App





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# Oregon PFML & Unpaid Leave Interactions

# Overview of Oregon Leave Laws

*Before July 1, 2024*

## Concurrency

OR PFML can run concurrently with OFLA (including OR PDL)

## Overlapping leave reasons

OFLA leave reasons may overlap with OR PFML

## 16-week cap

16 weeks total of OR PFML (12 weeks), and unpaid leave for reasons under OFLA

*On or after July 1, 2024*

## No concurrency

OR PFML cannot run concurrently with OFLA or OR PDL

## No overlapping reasons

Most OFLA leave reasons that overlap with OR PFML were removed

## 16-week cap removed

Separate banks of time remain

## Oregon Senate Bill No. 1515

Effective date:  
July 1, 2024\*



# Oregon Entitlements

**Before SB 1515:** own serious health condition, care for a family member with a serious health condition, birth or placement of a child, bereavement, sick child  
**After SB 1515:** bereavement, sick child

OFLA  
12 weeks

Oregon  
Pregnancy  
Disability  
Leave  
12 weeks

Own pregnancy or childbirth

Own serious health condition, care for a family member with a serious health condition, birth or placement of a child, safe leave

OR PFML  
12 weeks

FMLA  
12 weeks

Own serious health condition, care for a family member with a serious health condition, birth or placement of a child, qualifying exigency, care of a covered servicemember

# Eligibility Requirements for OR PFML

Applicable Law	Eligibility
OR PDL	180 days, 25 hours per week
OFLA	180 days, 25 hours per week
OR PFML - Pay	Financial Eligibility Test
OR PFML - Job Protection	90 days
FMLA	1,250 hours + 12 months

Emily, an employee working in Oregon, needs to care for her mother in April (2 weeks of leave), and she applied for OR PFML. PFML, OFLA and FMLA can run concurrently.

**OR PFML:** Rolling Forward Sunday  
**OFLA:** Rolling Back  
**FMLA:** Rolling Back

	J	F	M	A	M	J	J	A	S	O	N	D
OR PFML				2								
OFLA				2								
OR PDL												
FMLA				2								

**Before OR SB 1515:**

- OR PFML can run concurrently with OFLA or OR PDL.
- FMLA can run concurrently with OFLA (where leave reasons align), OR PDL, or PFML.
- 16-week cap for combination of OR paid and unpaid leave.



Emily needs time for her pregnancy disability in July (8 weeks of leave). She declines to apply for OR PFML. OR PDL and FMLA can run concurrently.

**OR PFML, OFLA\*\*:**  
 Rolling Forward Sunday  
 \*\*OR SB 999 (2023)  
**FMLA:** Rolling Back

OR SB 1515: Effective July 1, 2024\*

	J	F	M	A	M	J	J	A	S	O	N	D
OR PFML				2								
OFLA				2								
OR PDL							4	4				
FMLA				2			4	4				

**After OR SB 1515:**

- OR PFML cannot run concurrently with OFLA or OR PDL.
- FMLA can run concurrently with OFLA (even more limited – check leave reasons), OR PDL, or PFML.
- No more 16-week cap for combination of OR paid and unpaid leave.

Following her OR PDL absence, Emily applies for OR PFML (10 weeks remaining + 2 additional weeks for pregnancy).

The remaining 2 weeks of FMLA can run concurrently with PFML.

In December, her child has health problems, so Emily takes time under OFLA (3 weeks).

**OR PFML, OFLA:**  
Rolling Forward Sunday  
**FMLA:** Rolling Back

OR SB 1515: Effective July 1, 2024\*

	J	F	M	A	M	J	J	A	S	O	N	D
OR PFML				2					4	4	4	
OFLA				2								3
OR PDL							4	4				
FMLA				2			4	4	2			

# Takeaways

- Exercise caution when being “more generous” and how it impacts each entitlement.
- Consider employer plans instead of extending statutory entitlements.
- Check employer policies against mandatory rules in statutory plans to ensure how they will work together.
- Consider the pros and cons of aligning optional policies with statutory plans, such as intermittent policies and benefit year settings.



**THANK  
YOU**

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