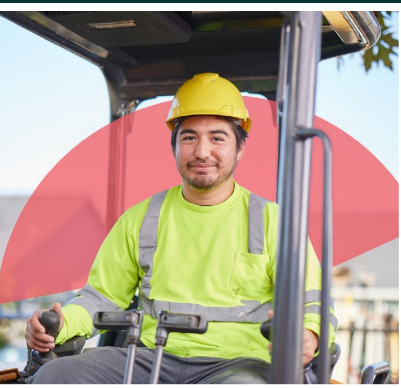


Employee Guidebook



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About this guide

This guide provides information for employees about the Paid Leave Oregon program. Find more information on Paid Leave Oregon's [website](#).

About Paid Leave Oregon

Paid Leave Oregon is a new program that ensures individuals and families — of every kind — have the time and support they need to care for themselves and their loved ones when life's important moments affect their health and safety.

You can take paid leave:

- To care for yourself or members of your family during the birth of a child, or to bond with a child after birth, adoption, or placement of a child in your home through foster care
- To care for yourself during a serious health condition
- To care for a family member when they have a serious health condition
- If you or your child experience sexual assault, domestic violence, harassment, or stalking

Both employers and employees pay into and benefit from Paid Leave Oregon. The Oregon Employment Department sets the contribution rate annually. The department will announce the contribution rate by Nov. 15 of each year, and the new rate will take effect on Jan. 1 of the following year.

Employees pay no more than 60% of the contribution rate through a deduction from their paycheck. Employers with 25 or more employees contribute no more than 40%. Employers with less than 25 employees don't pay the employer portion, but their employees are still covered and pay the 60% contribution rate.

Employers and employees started paying into the program in January 2023. Benefits begin on Sept. 3, 2023.

In this guide, we will look at:

- Employees who are automatically covered by Paid Leave Oregon and employees who are not covered.
- The types of leave covered by Paid Leave Oregon.
- The available leave benefits.
- How you can apply for leave benefits and what happens after you apply.
- How you can file an appeal if you disagree with a decision by Paid Leave Oregon.
- How you can let us know if your employer is not following the law.

Disclaimer

The Oregon Employment Department and Paid Leave Oregon have provided this information as a public service. The goal of this guidebook is to give employees and their families a general overview of their rights and responsibilities under the Paid Leave Oregon program. It is for informational purposes only and is not a legal document. Paid Leave Oregon staff will make decisions on benefit eligibility on a case-by-case basis. Paid Leave Oregon reserves the right to change and update material and information as needed. The Paid Family and Medical Leave Insurance Act, signed into law in 2019, ([Oregon Revised Statute \(ORS\) 657B](#)) and the related [administrative rules](#) remain the official source of information related to the Paid Leave Oregon program.

Covered employees

Paid Leave Oregon covers most employees who work in Oregon. You may qualify for benefits if you work a seasonal, full-time, or part-time job. Employees who are not usually covered by the Unemployment Insurance Program, such as certain not-for-profit employees and migrant and seasonal farm workers, are usually covered by Paid Leave. You may also qualify if you have multiple employers. The size of your employer does not affect your coverage as an employee.

You are covered if:

- You are employed and your work is located in Oregon. If you are not sure if your job is located in Oregon, you can find more information about place of performance [here](#).
- You earned at least \$1,000 in wages in your base year or alternate base year (“[Table 1: Base year/alternate base year](#)”).
- You contributed to Paid Leave through payroll deductions in your base year or alternate base year.
- You have a life event that qualifies you for Paid Leave. You can learn more in the “[Covered types of leave](#)” section.

Your **base year** is the first four of the last five completed calendar quarters before your benefits start.

Your **alternate base year** is the last four completed calendar quarters before your benefits start. Paid Leave only uses the alternate base year if you did not have \$1,000 of wages in the base year.

A **calendar quarter** is a three-month period ending March 31 (quarter 1), June 30 (quarter 2), Sept. 30 (quarter 3) or Dec. 31 (quarter 4).

Table 1: Base year/alternate base year

Self-employed individuals and Tribal government employees

If you are self-employed or an independent contractor, you are not automatically covered by Paid Leave. However, you can choose to be covered. Look at the Self-employed Guidebook for more information on how to choose coverage.

Paid Leave doesn't automatically cover employees who work for a Tribal government in Oregon. Tribal governments can choose to participate in Paid Leave. If you work for a Tribal government, you can ask your employer if they are participating in Paid Leave.

Employees who are not covered

Paid Leave does **not** cover:

- Federal government employees
- Individuals participating in state or federal work training assistance programs
- Undergraduate or graduate students in work study programs
- Railroad workers who are exempt under the federal Railroad Unemployment Insurance Act
- Volunteers
- Most employees who are eligible to receive unemployment benefits or workers' compensation during the time they plan to take leave

Employer obligations

Paid Leave requires your employer to tell you if you are covered by Paid Leave Oregon. You should see a poster about your rights and duties under Paid Leave displayed at your workplace, in your break room or other commonly used spaces, or it should be emailed to you. This poster is called the [model notice](#).

The model notice needs to be in all languages that your employer usually uses to communicate with you. If you work remotely, your employer must send you a copy of the model notice.

Your employer must give you a copy of their written policy and procedures with information about Paid Leave Oregon when you start your job or when the policy and procedures change.

Equivalent plans

Paid Leave requires all Oregon employers to participate in Paid Leave, but participation can look different for some employers.

Your employer may have decided to offer an equivalent plan instead of paying contributions to Paid Leave. Equivalent plans provide benefits to employees through a private insurance company or an employer-administered plan instead of through Paid Leave. The benefits the equivalent plan offers must be the same or better than the benefits offered through Paid Leave and must provide them at the same or lower cost to you.

Paid Leave requires your employer to tell you if you are covered by an equivalent plan. If you work for more than one employer and one or more of your employers choose to offer an equivalent plan, this may affect how you apply for benefits:

- If you have one employer and the employer has an approved equivalent plan, you must apply for benefits directly with your employer or the employer's equivalent plan administrator.
- If you work for more than one employer, you may be covered under Paid Leave, an equivalent plan, or both.
- If you work for at least one equivalent plan employer and one employer that participates in Paid Leave, you must apply for benefits separately with both your equivalent plan employer (or the insurance provider administering the equivalent plan) and Paid Leave.
- If you have multiple employers that each have an approved equivalent plan, you have to apply for benefits separately with each employer you want to take leave from.

“[Table 2: Where do I need to apply](#)” shows where you need to apply for benefits, depending on your employer:

What type of plan do I have?	Where do I need to apply?		
	Apply with Paid Leave Oregon	Apply as directed by your equivalent plan employer	Apply with both Paid Leave Oregon and your equivalent plan employer
My employer has an equivalent plan		X	
My employer participates in Paid Leave Oregon	X		
I have more than one employer and they all participate in Paid Leave Oregon	X		
I have more than one employer and they all have different equivalent plans		Apply as directed with each employer	
I have more than one employer and some have equivalent plans and some participate in Paid Leave Oregon			X

Table 2: Where do I need to apply

Covered types of leave

Life events covered by Paid Leave fall into three different types of leave:

- Family leave
- Medical leave
- Safe leave

If a life event that is covered by Paid Leave keeps you or a family member from working, you may qualify for paid leave. If you experience more than one life event, you may qualify for multiple types of leave.

You can learn more about the amount of leave you can take in the [“Leave amount”](#) section and you can find information about how to show verification of your specific life event in the [“What you need to apply”](#) section.

Family leave

You may qualify for family leave if any of the following life events listed in [“Table 3: Family leave covered life events”](#) keep you from working:

Life event	Additional information
Caring for and bonding with a child in the first year <ul style="list-style-type: none">• after birth• after adoption• after they’re placed in your home through foster care	To qualify for leave for an adoption or foster care placement, your child must be under the age of 18. If they are older than 18, they must be a dependent adult with a physical or mental disability that limits their ability to live independently. If you need to take leave during your pregnancy, you may qualify for “Medical leave” .

Table 3: Family leave covered life events

Life event	Additional information
<p>To care for a family member with a serious health condition</p>	<p>Providing care can mean:</p> <ul style="list-style-type: none"> • Medical or physical assistance • Emotional support or comfort • Transportation to and from medical care • Administrative support tasks, like making care arrangements <p>Any of the following people are a family member:</p> <ul style="list-style-type: none"> • Your spouse or domestic partner • Your child or your child’s spouse or domestic partner • Your grandchild or your grandchild’s spouse or domestic partner • Your parent or your parent’s spouse or domestic partner • Your grandparent or your grandparent’s spouse or domestic partner • Your sibling, stepsibling, or their spouse or domestic partner • Anyone you are related to by blood or anyone who is connected to you like a family member <p>You can find more information about what a serious health condition is in the “Medical leave” section.</p>

Table 3: Family leave covered life events

Births, adoptions, or foster care placements before Sept. 3, 2023

If your child was born, adopted, or placed in your home through foster care before benefits start on Sept. 3, 2023, you can still apply for paid leave as long as you take the leave within the first year after their birth, adoption, or foster care placement.

For example, if the adoption of your child happened on July 13, 2023, then you would qualify for 12 weeks of leave between Sept. 3, 2023, and July 12, 2024, to bond with your adopted child.

Medical leave

You may qualify for medical leave if you experience a serious health condition that keeps you from working. A serious health condition can be physical, mental, or both. It includes illness and injury.

Paid Leave considers your health condition to be serious if any of the following examples apply to you:

- Your condition requires hospitalization, ongoing professional care, specialized treatments, or multiple appointments with your provider. Examples include, but are not limited to, overnight hospitalizations, home health care treatments, dialysis, physical therapy, or hospice care.
- Your condition has been diagnosed as terminal, chronic, or periodically or permanently incapacitating. Examples include, but are not limited to, cancer, paralysis, or multiple sclerosis.
- Your condition requires surgery and/or treatments to prepare for surgery.
- Your condition involves a period of disability because of pregnancy, childbirth, miscarriage, or stillbirth. It can also include an absence from work for prenatal care, meaning care you need before giving birth.
- Your condition involves an absence from work to donate a body part, organ, or tissue. This includes treatments before surgery, surgery itself, treatments after surgery, and the time you need for recovery.

Safe leave

You may qualify for safe leave if you or your child experience sexual assault, domestic violence, harassment, or stalking.

Your child must be under the age of 18 to be covered under safe leave. If they are older than 18, they need to be a dependent adult with a physical or mental disability that limits their ability to live independently.

You are covered under safe leave if **any** of the following examples apply to you:

- You need legal assistance or help from the police to protect your or your child's health and safety. This includes preparing for and participating in court hearings that are related to sexual assault, domestic violence, harassment, or stalking.
- You or your child need medical treatment or to recover from injuries that were caused by domestic violence, harassment, sexual assault, or stalking.
- You or your child are getting counseling from a mental health professional because of an experience with sexual assault, domestic violence, harassment, or stalking.
- You or your child are getting services from a victim services provider because of an experience with sexual assault, domestic violence, harassment, or stalking.
- You need to move or make your current home secure to protect your or your child's health and safety.

Paid Leave Oregon benefits

Leave amount

Every covered employee in Oregon can take up to 12 weeks of paid leave in a one-year period, or benefit year. You can find more information about the benefit year in ["Table 4: Benefit year"](#).

If you are pregnant, have health issues related to childbirth, or have given birth in the year before you plan to take leave, you may be able to take up to two more weeks, for a total of 14 weeks of paid leave. The amount of leave you can take depends on your specific situation and the documentation you provide.

What does 12 weeks of leave mean?

Paid Leave calculates the maximum leave amount you can take in a benefit year by multiplying your average number of days worked in a week by 12.

Example 1

You work an average of 5 days per week. You can receive paid leave benefits for up to 60 days in a benefit year (5 days x 12 weeks). You can claim 5 days of benefits per calendar week for 12 weeks or you can claim 60 days over a time frame longer than 12 weeks if you work some of the days between the start date and end date of your leave.

Example 2

You work an average of 3 days per week. You can receive paid leave benefits for up to 36 days in the benefit year (3 days x 12 weeks). You can claim 3 days of benefits per calendar week for 12 weeks or you can claim 36 days over a timeframe longer than 12 weeks if you work some of the days between the start date and end date of your leave.

What is a benefit year?

A benefit year is a 52-week (one-year) period that begins on the Sunday before the day you start your leave. For example, if you start your leave claim on Monday, Oct. 2, 2023, your benefit year starts on Sunday, Oct.1, 2023, and ends on Saturday, Sept. 28, 2024. You can claim up to 12 weeks of leave during this time frame.

On Sept. 29, 2024, your leave amount resets, which means that you can apply to start another benefit year if you have a new or continuing qualifying event and get a new 12 weeks of benefits.

Table 4: Benefit year

Length of leave and schedules

For all types of leave, you can take your leave for a week, a day, or number of days less than a week. You can't take leave in amounts less than a day; for example, an hour or number of hours less than a full day. You can also choose between two different options for your leave schedule: consecutive leave or intermittent leave.

Consecutive leave

Consecutive leave means that you take leave from the start date to the end date of your leave, without working at your job during that time. You might also say that you are on full-time leave.

Example

You take five weeks of leave to recover from knee surgery. You don't work at your job between the start and end dates of your leave.

Intermittent leave

Intermittent leave means that you occasionally take days or weeks of leave between the start date and end date of your leave, but you also work at your job in between the start and end dates of your leave.

Example

You may sometimes need medical treatment for cancer. You are approved to take two days of leave every week to receive chemotherapy. You work at your job in between treatments.

Benefit payment amounts

While you are taking leave, Paid Leave pays you a weekly benefit amount. The amount you get is based on how much you earn and how much leave you take in a week, so the amount is different for every employee. Lower wage earners will generally receive more of their usual wages than higher wage earners.

The weekly benefit amount is the amount you get for a full week of leave. The minimum weekly benefit amount is 5% of the state average weekly wage, and the maximum weekly benefit amount is 120% of the state average weekly wage.

What is the state average weekly wage?

The Oregon Employment Department calculates the state average weekly wage based on the average wages for all employees throughout Oregon. The department announces the state average weekly wage each year in June and it is effective from July 1 until June 30 of the following year.

You can find the current state average weekly wage amount on Paid Leave's [website](#).

Table 5: State average weekly wage

Benefit calculation

To calculate your weekly benefit amount, look at your wages in the base year. If you have less than \$1,000 in wages in the base year, you can use your alternate base year (see page 3 for definitions of base year and alternate base year). Follow along below to calculate your average weekly wage and your weekly benefit amount.

Average weekly wage

Use your base year (or alternate base year) wages to calculate your average weekly wage:

- Your average weekly wage is calculated by adding up the wages from the base year (or alternate base year) and dividing those wages by 52, meaning the number of weeks in the base year.

Example:

Your wages from your base year are \$26,000.

$$\$26,000 \div 52 = \$500$$

Your average weekly wage is \$500.

Weekly benefit amount

Compare your average weekly wage to the state average weekly wage to calculate your weekly benefit amount. This is the amount you get for a full week of leave.

- If your average weekly wage is **equal to or less** than 65% of the state average weekly wage, your weekly paid leave benefit is 100% of your average weekly wage for a full week of leave.

Example:

» Your average weekly wage is \$500

» The state average weekly wage is \$1,200.

$$\$1,200 \times .65 = \$780$$

\$780 is 65% of the state average weekly wage.

\$500, your weekly wage, is less than \$780, or 65% of the state average weekly wage in this example.

Your weekly benefit amount for a full week of leave is \$500, or 100% of your average weekly wage.

- If your average weekly wage is **higher** than 65% of the state average weekly wage, then Paid Leave calculates your weekly benefit amount as follows:

Step 1

Calculate 65% of the state average weekly wage (rounded to the nearest cent).

Step 2

Calculate the amount of your average weekly wage that is higher than 65% of the state average weekly wage (from step 1) (rounded to the nearest cent).

Step 3

Calculate 50%, or half, of the amount of your average weekly wage that is greater than 65% of the state average weekly wage (50%, or half, of the amount you calculated in step 2).

Step 4

Add the amount from step 1 and step 3. This is your weekly benefit amount for a full week of leave.

Step 5

Calculate 120% of the state average weekly wage.

Step 6

Compare your weekly benefit amount (from step 4) with 120% of the state average weekly wage (from step 5). The lower of the two will be your weekly benefit amount.

Example

- » Your average weekly wage is \$1,000.
- » The state average weekly wage is \$1,200, and 65% of this is \$780.

Your average weekly wage of \$1,000 is more than \$780 (\$780 is 65% of the state average weekly wage in this example). Your weekly benefit amount is \$890.

This is how we calculate that amount:

Step 1

Calculate 65% of the state average weekly wage (rounded to the nearest cent):

$$\$1,200 \times 0.65 = \$780$$

Step 2

Calculate the amount of your average weekly wage that is greater than 65% of the state average weekly wage:

$$\$1,000 - \$780 = \$220$$

Step 3

Calculate 50%, or half, of your average weekly wage that is greater than 65% of the 2023 state average weekly wage:

$$\$220 \times 0.5 = \$110 \text{ or } \$220 \div 2 = \$110$$

Step 4

Add the amount from step 1 and step 3 to calculate your weekly benefit amount for a full week of leave:

$$\$780 + \$110 = \$890$$

Step 5

Calculate 120% of the state average weekly wage:

$$\$1,200 \times 1.2 = \$1,440$$

\$1,440 is 120% of the state average weekly wage.

Step 6

Compare your weekly benefit amount (\$890) with 120% of the state average weekly wage (\$1,440).

\$890 is less than \$1,440.

Your weekly benefit amount is \$890.

Note: If your weekly benefit amount was more than \$1,440, you would only get \$1,440. Paid Leave limits the weekly benefit amount to 120% of the state average weekly wage, or in this example, \$1,440. This is the largest benefit payment anyone could receive.

Prorated weekly benefit amount

If you are taking less than a full week of leave, Paid Leave will prorate your weekly benefit amount based on the number of leave days you take in a week.

Prorating means that your weekly benefit amount calculated above is divided by the number of average days you work in a week and then multiplied by the number of leave days you take during the week.

Example

Your weekly benefit amount is \$1,000. You usually work five days a week. You plan to take leave for three of the five days in a week. Your prorated weekly benefit amount is \$600.

This is how we calculate this amount:

Step 1:

Divide your weekly benefit amount by the number of days you usually work in a week:

$$\$1,000 \div 5 = \$200$$

Step 2:

Multiply the result from step 1 by the number of leave days you will take in the week:

$$\$200 \times 3 = \$600$$

If you know your base year wages and how much leave you are planning to take, you can use the examples above to estimate your weekly benefit amount.

Job protection

Paid Leave requires your employer to protect your job while you are on leave if you have worked for your employer for at least 90 consecutive days. If you are approved for paid leave, your employer can't end your employment or threaten you for taking leave. They must give you the approved time off.

While you are on leave, you keep any health care benefits you had before taking leave. Your employer can require you to keep paying the same premium costs that you would normally pay.

When you return to work, if you have worked for your employer for at least 90 consecutive days, you have the right to the same job you had when you left. This means you do not lose your job title or role. You will also keep the pension you earned before going on leave.

If your employer, on average, has less than 25 employees, they can give you a different position when you return from leave if your old position is not available. The new position must have similar job duties and the same benefits and pay as your old position.

Differences between Paid Leave Oregon, the Oregon Family Leave Act (OFLA), and the Federal Medical and Family Leave Act (FMLA)

Paid Leave Oregon does not replace OFLA or FMLA and there are important differences between the three programs. One major difference is that Paid Leave is a paid benefit and OFLA and FMLA are unpaid. You should take leave under OFLA or FMLA at the same time as Paid Leave, if it is for the same qualifying event.

For more information about the differences between the three programs, as well as Oregon Sick Time, see the comparison chart Paid Leave and the Oregon Bureau of Labor & Industries (BOLI) created. You can find the chart on Paid Leave's [website](#).

If you are unsure about which leave program is the best fit for you, connect with your employer.

Benefit application

Before you apply

Complete the following tasks before applying for Paid Leave:

- 1. Inform your employer:** If you know that you will need to take time off for a covered life event, you have to tell your employer at least 30 days before starting your leave. Your employer can ask you to tell them:
 - » What type of leave you are taking (family, medical, or safe leave).
 - » Why you need to take leave (your covered life event).
 - » When and for how long you expect to take leave. If you don't know exactly when or how much leave you will take, you can give your employer an estimate.

24-hour emergency notice: If you need to take leave for an emergency that you could not plan for, you need to tell your employer within 24 hours of starting your leave. You also have to give them written notice within three days of starting your leave. Your employer can ask you for the same information as for planned leave.

An emergency could be your, or a family member's, sudden and unexpected serious health condition, sexual assault, an accident, or the premature birth of your baby.

Note: If you can't show that you informed your employer about your leave, Paid Leave may reduce your first weekly benefit payment by 25%.

Example

If you qualify for a \$600 weekly benefit payment but don't inform your employer before you take leave, or within the required notification time frame, Paid Leave will reduce your first weekly benefit payment to \$450.

If **circumstances outside of your control** prevent you from informing your employer on time, you can ask Paid Leave to waive the 25% benefit reduction. You can submit this request through a waiver sent directly to Paid Leave, including documentation explaining the cause of the delay. Paid Leave staff will review your request and make a decision.

2. Put together the information you will need

When you apply for leave, you need to give Paid Leave certain information, such as your contact and employment details. You also need to submit documentation that shows the life event you have experienced or will experience.

If you know that you will be taking leave, it is helpful to collect the information you will need before you start your application. The [“What you need to apply”](#) section covers the information you will need and includes lists of items you can use to verify your type of leave.

3. Create a Frances Online account

If you plan to complete your application online, you need to create an account in [Frances Online](#) before you start your application. Frances Online is the system Paid Leave uses to process benefit applications.

Using Frances Online is the fastest way to submit an application.

You can also use Frances Online to view letters Paid Leave has sent to you, send additional information Paid Leave has requested, and to communicate with the department about your Paid Leave benefits.

When and how to apply

At the earliest, you can send your application 30 days before you start your leave. At the latest, you can send it 30 days after you start your leave. If you apply too early or too late, Paid Leave may deny your application.

If **circumstances outside of your control** prevent you from sending your application during this 60-day time frame, Paid Leave may accept your application up to one year after the start of your leave. If you experience circumstances outside of your control, you need to send documentation to Paid Leave explaining the cause of the delay. Paid Leave will review your documentation and make a decision.

You can apply in several ways:

- **Frances Online.** To use [Frances Online](#), you need to create an account and then you can follow the steps in the system. Using Frances Online is the quickest way to submit an application.
- **Paper application.** Paper forms will be available on Paid Leave's website when the program starts. If you can't access Frances Online and send us a paper application, it may take longer for you to receive a response. You can mail the completed application form to:

Attn: Paid Leave Oregon
Oregon Employment Department
875 Union St. NE
Salem, OR 97311

- **Phone.** You can call 833-854-0166 (toll-free) between 8 a.m. and 5 p.m., Monday through Friday, and Paid Leave staff can help you with your application.

What you need to apply

For all types of leave

You have to provide the following information on your application no matter which type of leave (family, medical, or safe) you are applying for:

<input type="checkbox"/>	Your Social Security Number (SSN) or Individual Tax Identification Number (ITIN). Paid Leave needs this information to verify your wages.
<input type="checkbox"/>	Your full legal name and date of birth.
<input type="checkbox"/>	Your contact information, including your phone number, email address, and physical address, as well as your mailing address, if it is different from your physical address.
	Note: To ensure your safety, please provide an address where you can receive mail safely.
<input type="checkbox"/>	The leave type you are applying for (family, medical, or safe).
<input type="checkbox"/>	Your requested leave schedule, including the expected start date and end date of your requested leave and your leave schedule (intermittent or consecutive).
<input type="checkbox"/>	Your current employment information. This includes:
	<ul style="list-style-type: none"> Your date of hire and your usual work schedule per week. If you don't know your date of hire, please ask your employer.
	<ul style="list-style-type: none"> Your employer's business name and contact information.
	Note: It is helpful to provide a contact name for someone who knows about your application. This could be your supervisor or a person in Human Resources.
	<ul style="list-style-type: none"> The date you told your employer about your leave.
<input type="checkbox"/>	Information about workers' compensation or unemployment benefits you may be receiving.
<input type="checkbox"/>	Information about any equivalent plan coverage you have and any paid leave you have taken under this plan.
<input type="checkbox"/>	Your preferred benefit payment method. You can choose between a prepaid debit card and direct deposit. If you select direct deposit, you will also need your banking information, which includes account and routing numbers. Please see the "Benefit payments" section for more information.
<input type="checkbox"/>	Your preference for tax withholding.

Family leave

After you apply for family leave, you need to show verification for your specific life event. You can find more information about family leave on Paid Leave's [website](#).

Family leave to care for and bond with a child after birth

You can use any of the following forms of verification:

- Paid Leave Oregon Verification of Birth Form
 - » **Note:** Paid Leave provides this form. Forms will be available on Paid Leave's website when the program starts.
- Your child's birth certificate
- A Consular Report of Birth Abroad
- A document by your child's or the pregnant parent's health care provider. The pregnant parent can be you or another parent of the child
- A hospital admission form related to your child's delivery

Your verification documents must include the following information:

- Your first and last name as parent or guardian of the child after birth
- Your child's first and last name
- Date of the child's birth
- **Only for an additional two weeks of leave related to pregnancy:**
Documentation that shows your relationship to the child as the parent that is currently pregnant or gave birth in the year before the start of your leave

Family leave to care for and bond with a child after adoption or foster care placement

You can use any of the following forms of verification:

- A copy of a court order that verifies your child's placement
- A letter signed by the attorney representing you as the foster or adoptive parent that confirms your child's placement
- A document from the foster care, adoption agency, or social worker involved in your child's placement that confirms the placement
- A document for your child by the United States Citizenship and Immigration Services (USCIS)

Your verification documents must include the following information:

- Your first and last name as parent or guardian of your child after the placement of your child through foster care or adoption
- Your child's first and last name
- Date of your child's placement

Family leave to care for a family member with a serious health condition

If you are caring for a family member with a serious health condition, the verification form you need to fill out is the same as for medical leave. See the Medical leave section below for more details.

Medical leave

After you apply for medical leave for your own serious health condition or family leave to care for a family member with a serious health condition, you need to show verification by a health care provider. You can find more information about medical leave on Paid Leave's [website](#).

You can use any of the following forms of verification:

- Paid Leave Oregon Verification of Serious Health Condition Form.
 - » **Note:** Paid Leave provides this form. Forms will be available on Paid Leave's website when the program starts.
- [Oregon and Federal Family and Medical Leave Health Care Provider Certification](#).
 - » **Note:** The Oregon Bureau of Labor & Industries (BOLI) provides this form.

- Other documentation **from a health care provider** that includes the following:
 - » Your or your family member's name
 - » Your family member's contact information (if applying for family leave)
 - » Your date of birth
 - » A short description of your or your family member's serious health condition
 - » The start date of the serious health condition and the expected end date or an explanation that the condition is chronic or permanent
 - » If the condition impacts you or your family member intermittently, meaning not all the time, and how often it impacts you or your family member
 - » The health care provider's:
 - Name and title
 - Certificate or license number and issuing state or country
 - License area/area of practice
 - Business name, address, phone number, and email address
 - Signature from the health care provider and the date the documentation was signed

Safe leave

After you apply for safe leave, you will need to show verification. You can find more information about safe leave on Paid Leave's [website](#).

You can use any of the following forms of verification:

- Paid Leave Oregon Verification of Safe Leave Form.
 - » **Note:** This is a self-attestation form, which means you are verifying, or confirming, the reason you need safe leave. You can use this form if you can't access the services mentioned below or if you are concerned for your own safety or the safety of your child. Forms will be available on Paid Leave's website when the program starts.

- A copy of a federal agency or state, local, or Tribal police report, or a formal complaint to a school's Title IX Coordinator that shows that you or your child are a victim of sexual assault, domestic violence, harassment, or stalking.
- A copy of a protective order or other documentation from a federal, state, local, or Tribal court, administrative agency, school's Title IX Coordinator, or attorney that you or your child appeared in or are preparing for any type of legal proceeding (civil, criminal, or administrative) related to sexual assault, domestic violence, harassment, or stalking.
- Documentation from an attorney, police officer, health care provider, mental health professional or counselor, a recognized representative of a religious community, or victim services provider that you or your child are or were getting treatment or counseling, accessing services, or moving because of sexual assault, domestic violence, harassment, or stalking.

After you apply

After Paid Leave receives your application and life event verification, staff will review it. You will receive a letter with your weekly benefit amount, which is your potential benefit amount for a full week of leave.

If we need more information to make a decision on your claim, you will need to respond to additional questions. Paid Leave will notify you through your Frances Online account. If you don't have an account set up, or if you chose not to receive electronic communication, we will notify you through the mail.

Once Paid Leave has made a decision, you will receive decision letters that show either an approval or denial of your application. You will also receive information on how to request a hearing to appeal a decision if you don't agree with it.

Paid Leave will also let your employer know they have received your application and if Paid Leave approved or denied it.

Paid Leave notifies your employer twice: Once after we receive your application, and again after we approve or deny your application.

Paid Leave shares the following information about your application with your employer:

- Your (requested) leave start and end date
- Your (requested) leave amount: the number of days or weeks
- Your (requested) leave schedule: consecutive or intermittent
- If Paid Leave approved or denied your application

When you first apply, Paid Leave also asks your employer if you informed them about your leave.

Receiving benefits

Benefit payments

Once Paid Leave has approved your application and you have started your leave, you will start receiving benefit payments. Benefit payments are issued on a weekly basis for days of leave taken during the prior week. Paid Leave pays benefits either by direct deposit or by prepaid debit card.

To receive your first payment, you need to select your preferred payment method during your initial benefit application. If you do not select a preferred payment method, you will be sent a prepaid debit card.

Payment options

You can choose between two payment options:

1. Direct deposit

With direct deposit, Paid Leave transfers your benefit payments into your checking or savings account at your bank, credit union, or savings and loan association. If you select direct deposit, you will need your routing and account numbers. To avoid issues with your benefit payments, please carefully confirm that your routing and account numbers are correct. You can check Frances Online to see the status of your benefit payments.

2. Prepaid debit card

With a prepaid debit card, Paid Leave deposits your benefit payments onto this card. Paid Leave will send you this debit card when we approve your leave.

Consecutive leave

You do not have to submit a weekly claim for consecutive leave claims. If you take all of your approved leave in one block of time, you will automatically receive your payments each week without needing to submit a weekly claim.

Intermittent leave

If you take leave on an intermittent schedule, meaning that you occasionally take days or weeks of leave, you need to submit a weekly claim before you can receive payment. The weekly claim tells Paid Leave the dates you took leave, the dates you worked, and the dates you didn't work. You can only complete your weekly claim after the end of the week in which you took intermittent leave.

The fastest way to submit a weekly claim is through [Frances Online](#). However, you can also submit a weekly claim form by mail or via phone. Forms will be available on Paid Leave's website when the program starts.

You can mail the completed weekly claim form to:

Attn: Paid Leave Oregon
Oregon Employment Department
875 Union St. NE
Salem, OR 97311

Submit all weekly claims to Paid Leave within 30 days from the end of the week you took leave. If you submit your weekly claim later than 30 days from the end of the week the leave happened, you can no longer receive payment for it.

Example

- Paid Leave approved you to take 10 days of intermittent leave between Jan. 1 and March 1, 2024.
- Your first day of leave is Thursday, Jan. 4. Your second day of leave is Monday, Jan. 8.
- To receive a benefit payment for Jan. 4, you need to file a weekly claim between Sunday, Jan. 7, and Monday, Feb. 5.
- To receive a benefit payment for Jan. 8, you need to file a weekly claim between Sunday, Jan. 14, and Monday, Feb. 12.

If **circumstances outside of your control** prevent you from submitting a weekly claim within 30 days from the end of the week you took leave, Paid Leave may still be able to process it. If you experience circumstances outside of your control, you need to send documentation to Paid Leave explaining the cause of the delay. Paid Leave will review your documentation and make a decision.

Paying taxes on benefits

You may need to pay federal and state personal income taxes on your Paid Leave benefit payments. For more information regarding taxability and how Paid Leave benefits can affect your tax situation, please speak with a tax professional.

To reduce the amount of taxes you need to pay at the end of the year, you can authorize Paid Leave to withhold state or federal taxes from your benefit payments. You can find more information on our [Taxability Fact Sheet](#).

You can make this tax election during your initial claim or any time after that on [Frances Online](#) or by filling out and mailing a paper form. Forms will be available on Paid Leave Oregon's website when the program starts.

Working while on leave

You cannot work during days that you are on leave. If you have more than one employer, you have to take leave from all of your employers each day that you are claiming paid leave.

Consecutive leave

While on a consecutive leave schedule, you cannot work for any of your employers between the start date and the end date of your approved leave.

Example

- You have two weeks of approved consecutive leave.
- You usually work for one employer on Monday, Tuesday, and Wednesday, and for another employer on Thursday and Friday during the same week.
- You will need to take leave from both employers for all days during the two weeks you are on consecutive leave.

Intermittent leave

While on an intermittent schedule, you have to take leave from all employers on the days you are taking leave. You are allowed to work for any employers on days that you are not taking leave.

Example

- You have been approved for intermittent leave.
- Your usual workweek is Monday through Thursday. You work for one employer in the morning and for another employer in the afternoon.
- You take leave on Monday and Wednesday. Because you normally work for two employers on the same day, you have to take leave from both employers on these days.
- You aren't taking leave on Tuesday and Thursday. You may work for any of your employers on these days.

How to change your information

Once you start receiving benefits, you can make changes to your customer information or to your leave claim.

If any of the information you included on your benefit application changes, you must tell Paid Leave as soon as possible. If the amount of time you need leave or your leave start and end dates change, you also have to inform your employer.

Changing your information

If you need to change your contact information, address, name, gender pronouns, or your language preferences, you have two options. You can:

- Log into your [Frances Online](#) account and make changes to your customer account.
- Fill out a paper form and mail it to us. Forms will be available on Paid Leave's website when the program starts.

Note: If you have changed your legal name, you need to give us official documentation that shows the change.

Changing your leave claim

You may make a number of changes through the claim amendment process. You can:

- Change your leave start and end dates
- Change your amount of leave (the number of approved leave days or weeks)
- Change your leave schedule (intermittent or consecutive leave)
- Make changes to your current employment, add, or remove employment
- Change which employers you are taking leave from

There are two ways to file a claim amendment:

1. Log into your [Frances Online](#) account, select your current claim and click on Make Changes to your Paid Leave Claim.
2. Fill out the Claim Amendment Form and mail it to us. Forms will be available on Paid Leave's website when the program starts.

Your rights: appeals and complaints

Appeals

If you do not agree with a decision Paid Leave makes regarding your claim, you have the right to appeal it by requesting a hearing to review the decision. You can request the hearing on almost everything related to your claim including:

- Your weekly benefit amount
- The length of leave Paid Leave approved
- The dates of leave Paid Leave approved
- Paid Leave's denial of your claim

How to file an appeal

You can request an appeal through a hearing in two ways:

1. Log into your [Frances Online](#) account, select your current claim and file an appeal.
2. Mail your hearing request to:

Attn: Hearings - Paid Leave Oregon
Oregon Employment Department
875 Union St. NE
Salem, OR 97311

Complaints

It is unlawful for your employer to punish you or discriminate against you because you asked about or claimed Paid Leave benefits. If your employer is not following the law, you have the right to bring a civil suit in court or to file a complaint with the Oregon Bureau of Labor & Industries (BOLI).

How to make a complaint

You can file a complaint with BOLI online, by phone, or email:

Web: www.oregon.gov/boli

Call: 971-245-3844

Email: help@boli.oregon.gov

You can find more information about complaints on [BOLI's website](#).

Contact us

You can find more information about Paid Leave on our website at paidleave.oregon.gov.

If you have questions, you can contact us by online request, phone, or email.

Online request form: <https://paidleavecontact.oregon.gov/hc/en-us/requests/new>

Call: 833-854-0166

Email: Paidleave@oregon.gov

Employee Guidebook change log



Employer Guidebook



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About this guide

This guide provides information for employers about the Paid Leave Oregon program. Find more information on Paid Leave Oregon [online](#).

Some program details are still under development. This guide will be periodically updated to reflect the most current information available.

About Paid Leave Oregon

Paid Leave Oregon is a new program that allows employees in Oregon to take paid time off for some of life's most important moments that impact our families, health, and safety. Paid Leave Oregon is a division of the Oregon Employment Department.

When does Paid Leave Oregon start?

- Contributions start Jan. 1, 2023
- Benefits start Sept. 3, 2023
- Assistance grants start Sept. 3, 2023

Which employers and employees are covered?

Paid Leave Oregon covers almost every Oregon employer, and almost all employees in Oregon are eligible for benefits. This includes small and large employers, non-profits, charities, and faith-based organizations.

Exceptions are:

- Federal employers and their employees
- [Tribal governments](#) and their employees (may choose coverage)
- Self-employed individuals or independent contractors (may choose coverage)

How is Paid Leave Oregon funded?

Employers and employees pay contributions to Paid Leave Oregon. Those contributions pay for benefits, assistance grants for small employers, and program administration. Employers are not responsible for payment of benefits through Paid Leave Oregon.

Can employers opt out of Paid Leave Oregon?

All Oregon employers must allow employees to take paid leave benefits starting in September 2023. If your business or organization has 25 or more employees, you are required to contribute to Paid Leave Oregon. If you have fewer than 25 employees, you are not required to make payments, but your employees still pay their portion and you still need to collect and submit their payments. Employers who prefer to provide paid leave benefits themselves can apply for approval of an [equivalent plan](#), which must offer benefits equal to or greater than the state program.

What is the difference between Paid Leave Oregon and OFLA/FMLA?

Paid Leave Oregon is different from other programs, including Family and Medical Leave Act (FMLA) and Oregon Family Leave Act (OFLA), because it will provide paid leave to individuals who need it. Even though there are some similarities, Paid Leave Oregon does not replace FMLA or OFLA. Each program has many rules, and they can be complex. Employees must take leave under Paid Leave Oregon and OFLA/FMLA at the same time only if the leave purpose is the same. Otherwise, employees do not have to take paid leave at the same time as OFLA/FMLA.

The table below shows some important differences between the three programs. For detailed information on different types of leave programs in Oregon, visit the [Paid Leave website resources page](#).

	Paid Leave Oregon	OFLA	FMLA
State vs. federal program	State program only available to eligible employees in Oregon	State program only available to eligible employees in Oregon	Federal program available to employees across the United States
Paid vs. unpaid leave	Paid	Unpaid	Unpaid
Program administration	Employees apply for benefits with Paid Leave Oregon	Employees apply for leave with their individual employer(s)	Employees apply for leave with their individual employer(s)

	Paid Leave Oregon	OFLA	FMLA
Program funding	Funded through contributions paid by employers and employees	No contribution payments	No contribution payments
Covered employers	All employers with one or more employees working in Oregon	Employers with 25 or more employees working in Oregon	Employers with 50 or more employees
Eligible employees	Employees who earned at least \$1,000 in wages in the base year and paid program contributions during the base year	Employees who have been employed by the covered employer for at least 180 days and for an average of 25 hours per week during that timeframe	Employees who have been employed by the employer they are taking leave from for at least 12 months and have worked for at least 1,250 hours during the previous 12-month period Employees also need to be located at a worksite where their employer employs 50 or more employees within 75 miles of that worksite
Purposes qualifying for leave	Family, Medical, and Safe Leave	Parental, Serious Health Condition, Pregnancy, Disability, Military Family Leave, and Bereavement Leave	Parental, Serious Health Condition, Pregnancy, Disability and Military Family Leave

Can employees access short-term or long-term disability while receiving paid leave benefits?

Short-term and long-term disability are separate from Paid Leave Oregon. If a worker has some coverage through short-term disability, long-term disability, or a similar program, it will not affect their ability to access paid leave benefits. Employers and employees are encouraged to consult their short and long-term disability plans as they may have restrictions on accessing benefits if the worker is receiving paid leave benefits.

Employer responsibilities

All employers with employees working in Oregon are required to:

- ✓ Report employee wages for those working in Oregon and employee counts for both Oregon employees and those that work in other state(s).
- ✓ Withhold and submit the employee portion of contributions (or cover some or all those contributions for their employees as an employer-offered benefit).
- ✓ Pay the employer portion of contributions (unless exempt from paying employer contributions as a small employer).
- ✓ Inform employees about Paid Leave Oregon.
- ✓ Restore employees to their position after taking paid leave if the employee has worked 90 days or more for the employer.

Are employers required to register for Paid Leave Oregon?

All Oregon employers are required to complete a combined employer's registration process through the Secretary of State or Oregon Employment Department. Registration for Paid Leave Oregon will be included in this process automatically.

If an employer has already registered and has an active Business Identification Number (BIN), they are already included in Paid Leave Oregon and will be able to start reporting wages and paying contributions when the program starts.

If an employer is a new business, they will be included in Paid Leave Oregon when they complete their business registration and receive their BIN. New businesses can register online through the Oregon Secretary of State Business Registry at <https://sos.oregon.gov/business/pages/register.aspx> or by completing a Combined Employer's Registration form and submitting to the Oregon Employment Department.

What is different for small employers?

Paid Leave Oregon covers most Oregon employers. There are some specific considerations for employers with fewer than 25 employees.

- ✓ Small employers are not required to pay the employer portion of contributions.
- ✓ Small employers may receive assistance grants when employees take paid leave if the employer commits to pay employer contributions for two years.
- ✓ Small employers have more flexibility regarding job protections.

How is employer size determined?

Employers determine their employer size for each calendar year using their monthly employee counts for the previous year. The monthly employee counts are based on the number of employees on the employer's payroll for the pay period that includes the 12th of the month. The employee count includes Oregon and out-of-state employees – the count excludes any replacement workers hired to cover for employees taking paid leave.

Employers add together their monthly employee counts for January to December and then divide that number by 12 to get their average employee count. If the average employee count is 25 or higher, the employer is a large employer for the next calendar year and should pay employer contributions. If the average employee count is less than 25, the employer is a small employer for the next calendar year and does not need to pay employer contributions (unless the employer obtained an assistance grant).

Example

An employer has the following employee counts for 2025:

Month	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Count	24	26	26	24	23	22	24	25	26	26	26	24

Employer size for 2026 is calculated as follows:

1. Add monthly employee counts: $24+26+26+24+23+22+24+25+26+26+26+24=296$
2. Divide total by 12: $296/12=24.66$
3. Result is less than 25. The employer is a small employer for 2026.
4. The employer does not pay employer contributions with its quarterly reports in 2026.

What are employers required to tell their employees about Paid Leave?

Employers must provide notice to employees about Paid Leave Oregon at the time of hire and each time the policy or procedure changes. The notice must be in the language that the employer typically uses to communicate with employees.

Employers must display the paid leave notice in each building or worksite in an area that is accessible to and regularly frequented by employees. Employers must provide notice to remote-work employees by hand delivery, electronic delivery, or regular mail upon the employee's hire or assignment to remote work.

Paid Leave Oregon will provide a model notice for employers. The notice will include information on:

- ✓ The right of employees to claim and receive Paid Leave benefits.
- ✓ How to file a claim to receive benefits.
- ✓ The requirement for employees to notify an employer at least 30 days before starting leave (if the leave is foreseeable) and a description of the penalties for not fulfilling this requirement.
- ✓ In cases of emergency, employees must tell their employer within 24 hours and give them written notice within three days of starting leave.
- ✓ The process to appeal benefits decisions.
- ✓ Job protection and continuation of health benefits during paid leave.
- ✓ Prohibition of discrimination and retaliation related to paid leave.
- ✓ The confidentiality of health information provided.
- ✓ How to file a civil action or file a complaint for a violation of rights.

Contributions

The contribution rate for 2023 is 1% of each employee's wages, up to a maximum of \$132,900 for the year. Employees pay 60% of the contribution rate and employers pay 40% of the contribution rate. For example, if an employee made \$1,000 in wages, the employee would pay \$6 and the employer would pay \$4 for this paycheck. Employers with fewer than 25 employees are not required to pay the employer portion of contributions.

The contribution rate is set annually and will not be more than 1% of each employee's gross wages. The maximum amount of wages is also adjusted annually

based on inflation. The department will announce the contribution rate and maximum wage amount by Nov. 15 of each year, and the new rate and maximum wage amount will take effect Jan. 1 of the following year.

Employers must begin withholding employee contributions for Paid Leave Oregon starting on Jan. 1, 2023. Employee contributions must be held in trust until paid to the department. Paid Leave contributions are made to the department through the combined payroll reporting process.

What are wages?

Wages for Paid Leave Oregon are in general the same as wages for Unemployment Insurance. This is set in statute in [ORS 657B.010\(26\)](#) and Paid Leave Oregon administrative rules on wages.

Paid Leave Oregon covers more employees and employment than Unemployment Insurance - employers may be required to report wages for more employees for Paid Leave Oregon, but what is included in wages is the same for both programs.

Wages are payments made to an individual for personal services and the cash value of all non-cash payments, except when excluded in statute or rule. Wages for Paid Leave Oregon are in general gross wages, meaning it is the total amount before the deduction of taxes, benefits, or other payroll deductions, unless those deductions are excluded.

Wages for Paid Leave Oregon include:*

- Salaries and hourly pay
- Piece rate and by the job pay
- Vacation, sick, and holiday pay, and paid time off (PTO)
- Bonuses, fees, and prizes from an employer
- Compensatory time and stand by pay
- Commission or guaranteed wage payments
- Sickness and accident disability payments
- Dividends and distributions for services
- Tips and gratuities
- Dismissal and separation allowance
- Compensation other than cash, such as room and board (except for

agricultural and domestic employees)

- Fringe benefits, such as company vehicles, company paid parking, sick pay by third parties (e.g. insurance companies), and dependent care assistance

Wages for Paid Leave Oregon do not include:*

- Payments to flexible spending accounts and health saving accounts that meet the requirements of the Internal Revenue Code (IRC) section 125 plan paid by the employer or employee
- Health, dental, and other insurance paid by the employer
- Health, dental, and other insurance paid by the employee under the IRC Section 125 plan
- Meal and travel expenses and per diems paid by the employer under an accountable plan
- Retirement or pension income
- Sickness or accident disability under worker's compensation

*This list does not cover all wages. See [Oregon Revised Statute 657B](#) and applicable administrative rules for additional information.

What if my employee works or lives in another state?

Paid Leave covers all employees that work in Oregon, even if they live in another state.

Employers should withhold and pay contributions on wages that are earned for services performed entirely in Oregon and for work that is performed both within and outside of Oregon when the work outside of Oregon is incidental to work inside of Oregon.

This includes wages for the following employees:

- Oregon residents whose work is entirely in Oregon
- Residents of other states who work entirely in Oregon
- Employees that work remotely in Oregon for employers in other states
- Employees that work in Oregon and out of state when the work in other states is temporary or transitory
- Employees that work in Oregon and out of state and when the base of

operations or location that directs the work is in Oregon

- Employees that complete some work in Oregon when there is no base of operations or location that directs the work

This does not include:

- Oregon residents that work in other states
- Employees that work remotely in other states for Oregon employers
- Employees that complete some work in Oregon, including remote work, if the base of operations or location that directs the work is out of state and some work is done in that state

How do employers calculate contributions?

The contribution rate for 2023 is 1% of employee wages. The employee portion is 0.6% of wages and the employer portion is 0.4% of wages.

Calculate total quarterly contributions as follows:

Employee portion:	Gross Wages x 0.006
Employer portion:	Gross Wages x 0.004
Total:	Employer + Employee Portion

Large employer example: Employers gross quarterly wages are \$500,000.

Employees portion:	$\$500,000 \times 0.006 = \$3,000$
Employer portion:	$\$500,000 \times 0.004 = \$2,000$
Total:	Employer + Employee Portion = \$5,000

Small employer example: Employers gross quarterly wages are \$200,000.

Employees Portion:	$\$200,000 \times 0.006 = \$1,200$
Employer Portion:	\$0
Total:	Employer + Employee Portion = \$1,200

Can employers cover the costs of their employees' contributions?

As an employer, you may choose to cover all or part of the employee contribution.

You may not withhold more than 0.6% of the total rate (1%) from your employee's gross wages.

What are the payroll reporting requirements?

Combined payroll reporting

The Oregon Combined Payroll Reporting process has added Paid Leave Oregon and will be included in the payroll reporting forms. More details on payroll reporting for Paid Leave Oregon will be included in the 2023 Oregon Combined Payroll Tax Report - Instructions for Oregon Employers. For the 2022 version of the instructions, visit the Department of Revenue website at: [2022 Oregon Combined Payroll Tax Report, 150-211-155](#)

Payroll report deadlines

Quarterly reports are due on or before the last day of the month following the close of the quarter. More information will be included in the upcoming 2023 Combined Reporting guide.

Quarter	Period Ending	Report Due Date
1 January-February-March	March 31	April 30
2 April-May-June	June 30	July 31
3 July-August-September	Sept. 30	Oct. 31
4 October-November-December	Dec. 31	Jan. 31 of the following calendar year

Annual filers

Domestic employers may file an Oregon Annual Report detailing Paid Leave subject wages and employee contributions if they have, on average, less than 25 employees as calculated under [Oregon Administrative Rules 471-070-3160](#). Annual contributions are due on or before Jan. 31 of the following calendar year.

What are the penalties for not reporting or paying contributions?

If an employer fails to file or complete all required reports or pay all required contributions prior to Sept. 1 of each year, the department will assess a penalty equal to 1 percent of the employee wages in the previous calendar year. The department will notify the employer using their preferred method, mail or

electronically as indicated in the department's records, on or before Oct. 20 of the year. The penalty will become final on Nov. 10 immediately following the assessment.

If an employer makes a timely request for waiver of the penalty, the department will issue a decision, either granting or denying the waiver, and notify the employer either by mail or electronically if permitted. If, prior to November 10th immediately following the assessment, the department determines that the employer had good cause for failing to file all reports or pay all contributions due, the department will grant the request for waiver and remove the penalty from the employer's account. If the employer fails to establish good cause prior to November 10th immediately following the assessment, the department will deny the request for waiver. If the request for waiver is denied, the department will notify the employer that a request for a contested case hearing may be filed within 20 days after the date that the penalty waiver decision is sent to the employer.

What are the recordkeeping requirements?

All employers must maintain payroll records, including records documenting employee contributions and expenses. Employment records must reflect the total hours worked by all employees and the amount of leave taken by employees under Paid Leave Oregon for the current calendar year including the last three calendar years.

What are the requirements for contributions when a business is closed or sold?

If an employer closes or sells the business, any contributions payable to Paid Leave Oregon are immediately due and must be paid within 10 calendar days.

Benefits

What benefits does Paid Leave Oregon provide?

Paid Leave allows eligible employees in Oregon to take up to 12 weeks of paid family, medical, or safe leave per benefit year. In some pregnancy-related situations, employees may be able to take up to two more weeks, for a total of 14 weeks.

Eligibility

Employees may be eligible to receive paid leave benefits if they have earned \$1,000 in wages in the previous year. Benefits are based on wages from all employment in Oregon, not just from the current employer, including full-time, part-time, temporary, and seasonal work.

Leave types

Oregon employees can take leave for any of these reasons:

- **Family Leave:** to bond with a new child after birth, adoption, or foster placement; can be taken within the first 12 months after the birth, adoption, or placement. Additional leave (limited to two weeks) related to pregnancy issues for a birthing parent in addition to the 12 weeks provided for family, medical, and safe leave.
- **Family Leave:** to care for a family member experiencing a serious health condition. Family members include: spouses and domestic partners, children, parents, siblings or stepsiblings, grandparents, grandchildren, and any individual related by blood or affinity, whose relationship is equivalent to family.
- **Medical Leave:** for an employee's own serious health condition.
- **Safe Leave:** for survivors of sexual assault, domestic violence, harassment, or stalking to obtain legal or law enforcement assistance, seek medical treatment or recover from injuries, obtain counseling or support services, or relocate or take other steps to secure the health and safety of themselves or their dependent child.

Leave time

Employees are entitled to 12 weeks of paid leave per benefit year in any combination of family, medical, and safe leave. The benefit year begins the Sunday before the period of leave and lasts for 52 weeks. An employee may also qualify for an additional two weeks of paid leave if they have limitations related to pregnancy.

Employees can take paid leave in increments equal to one workday or one workweek. Employees can take leave all at once (consecutive) or in separate blocks of time (non-consecutive). Consecutive leave is taken in one block of time due to a single qualifying event (such as five weeks of leave for a knee surgery). Nonconsecutive leave is taken in separate blocks of time due to a single qualifying reason (such as one day every week for 12 weeks for chemotherapy).

Employers cannot require employees to take sick leave, vacation leave, or other accrued leave prior to accessing paid leave benefits.

Verification of qualifying purpose

When an employee applies for paid leave, they must provide verification of the qualifying purpose to Paid Leave Oregon. An employee must provide the following documentation to OED when applying for leave:

- **For Family Leave**, documentation to show:
 - » The birth, adoption, or placement of child
 - » That a family member is experiencing a serious health condition and a description of the family relationship.
- **For Medical Leave**, documentation to show the employee has a serious health condition.
- **For Safe Leave**, documentation to show the employee had a safe leave event. Self-attestation may be accepted if the employee is not able to provide documentation of the event.
- For limitations related to pregnancy, documentation is required to show the employee is currently or was recently pregnant.

Benefit amounts

Paid Leave Oregon bases benefit amounts on the employee's previous wages and the state average weekly wage. Here is how benefits are calculated:

1. Each year, OED sets the state average weekly wage. OED uses the state average weekly wage to set a minimum weekly benefit amount and maximum weekly benefit amount. The minimum is 5% of the state average weekly wage, and the maximum is 120% of the state average weekly wage.

When an employee applies for Paid Leave benefits, a base year is created. The base year is a one-year period made up of the first four of the last five completed calendar quarters.

That time period is used to determine if the employee earned enough money to be eligible for Paid Leave, and how much they are eligible to receive each week. An employee must have at least \$1,000 in wages earned during those quarters. If an employee does not qualify for a claim using a regular base year, the claim will be automatically reviewed to see if they qualify for an alternate base year claim.

OED calculates benefit amounts as follows:

- If the employee's average weekly wage is equal to or less than 65% of the state average weekly wage, the employee's weekly benefit amount is 100% of the employee's average weekly wage.
- If the employee's average weekly wage is greater than 65% of the state average weekly wage, the employee's weekly benefit amount is the sum of:
 - A. 65% of the state average weekly wage, and
 - B. 50% of the employee's average weekly wage that is greater than 65% of the state average weekly wage.

Are employees required to inform their employers about leave?

Employers may require employees to give notice when they will be taking leave, and to provide an explanation. Employers must outline the notice requirements in their written policy and procedures and provide a copy to employees. The timeline for giving notice may differ depending on whether the leave is for a planned or for an unexpected event:

- **30-day notice:** If employees take paid leave for a planned reason (such as an upcoming surgery or adopting a baby), they need to let the employer know **30 days** before taking leave.
- **24-hour emergency notice:** In an emergency, employees must tell their employer within **24 hours** and give them **written notice within three days** of starting leave.
- Unexpected events include, but are not limited to:
 - A. An unexpected serious health condition of the employee or a family member of the employee.
 - B. A premature birth, unexpected adoption, or unexpected foster placement by or with the employee.
 - C. Safe leave.

If an employee does not provide the correct notice to their employer, the department may reduce the employee's first weekly benefit amount by up to 25%.

How does an employee apply for benefits?

Employees must submit an application for benefits to Paid Leave Oregon. Employees covered under the state plan **do not** apply directly with the employer. Employees can submit the application as early as 30 days before the start of leave and up to 30 days after the start of leave. Employees will access the application online or they may request a paper form.

What information do employers receive about benefit applications?

After an employee has filed an application for paid leave benefits, Paid Leave Oregon will notify the employer and provide basic information about the employee's claim. Employers may respond to the notice from the department within 10 calendar days to report any errors in the information or other information relevant to the employee's claim.

Paid Leave Oregon will notify the employer whether the employee's application for benefits was approved or denied. If Paid Leave Oregon approves the application, the employer will also receive notice of the approved dates and period of leave.

Appealing decisions

Employees have the right to appeal a decision on their claim. After Paid Leave Oregon has issued a decision on a claim, the employee can request a hearing to review the department's decision on their claim and/or the decision of their weekly benefit amount. Employers are not able to appeal benefit decisions.

Are employers required to maintain an employee's health benefits when they take leave?

Employers are required to maintain existing health benefits for an employee receiving paid leave benefits until the employee's paid leave ends or the employee returns to work after taking their leave. The employer can require that the employee pays their share of health premiums while on leave.

Can employers provide additional pay to employees taking paid leave?

Employers can choose to provide additional pay to their employees while on paid leave to supplement the benefit amount they receive.

Are employers required to hold an employee's job while they take leave?

Employers must provide job protections to employees taking paid leave if they have been employed for at least 90 calendar days. When an employee returns to work from paid leave, they are entitled to return to the position they held before the start of leave, if that position still exists.

If the position no longer exists, then job protections depend on the size of the employer:

- For large employers (25 or more employees), the employee is entitled to a position equal to their previous position before they took leave, with equal employment benefits, pay and other terms and conditions of employment.
- For small employers (fewer than 25 employees), the employer may, at the employer's discretion based on business necessity, restore the employee to a different position with similar job duties and the same employment benefits and pay.

Failure to provide job protections is an unlawful employment practice. An employee that believes there was a violation of job protections may bring a civil action against the employer or [*file a complaint*](#) with the Commissioner of the Bureau of Labor and Industries.

Assistance grants

Which employers can receive assistance grants?

Small employers (fewer than 25 employees) who commit to pay employer contributions for eight calendar quarters and do not have any delinquent reports, contributions, or unpaid penalties may be eligible to receive assistance grants.

What are the types of assistance grants and amounts?

If a small employer hires a worker to replace an employee on qualifying paid leave, they may apply for and receive a grant of \$3,000.

If a small employer has significant additional wage-related costs, like paying additional wages to an existing employee or additional training costs, then the employer may receive a grant up to \$1,000.

In addition, a small employer may receive a grant in the amount of the difference between the grant awarded and \$3,000 if the employee taking Paid Leave extended the period of leave beyond the initial expected leave period and the employer hires a replacement worker.

What are the maximum number of assistance grants an employer can apply for each year?

A small employer may apply for up to 10 grants each year, once per employee.

What are the requirements to apply for a grant?

When an employer applies for a grant, they must provide the following information:

- Their Business Identification Number (BIN) and contact information.
- Information about the employee taking leave.
- The type of grant the employer is requesting and the amount requested.
- An explanation of how costs are related to the employee who is taking leave and documentation supporting the employer's request.
 - » When adding a new temporary employee to the payroll, documentation showing the new employee's name, start date, and Social Security number (SSN) or Individual Taxpayer Identification number (ITIN). The documentation should also clearly show the business name.
 - » For wage-related costs, employers need to provide receipts, personnel or payroll records, or sworn statements to show their costs. Each document must show the date the cost was incurred.

Will employers have to pay assistance grants back?

Employers will not repay assistance grants, unless OED later finds that the employer is ineligible.

How does an employer apply for an assistance grant?

A small employer may apply for an employer assistance grant only after an eligible employee is approved for qualifying paid leave. The employer has up to four months after the end of the employee's leave to apply for a grant. Assistance grant applications will be available starting September 2023.

Employer Guide Changelog

Employer Guidebook V.2 (Updated December 2022)

December 1, 2022

- Updated how employer size is determined (p. 4-5)