

OREGON'S PAID FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM



Learn how Oregon's new leave laws affect employers and employees.

What are the key program dates?

January 1, 2023

- Payroll deductions began

September 3, 2023

- Benefit start date

What benefits does the program provide?

Eligible employees may receive paid and unpaid leave for:

- Up to 12 weeks per year for family, medical or safe leaves
- Up to two more weeks possible for pregnancy, childbirth or other related circumstances
- Up to an additional four weeks of unpaid leave

Employees who have worked for their employer for at least 90 consecutive days are entitled to job protection.

For more information visit the [OR PFML website](#).

The Standard is committed to partnering with Oregon employers to help benefits administrators anticipate and understand ever-evolving paid family and medical leave regulations.*

Employers must provide Paid Family and Medical Leave to Oregon employees either through the state-run program or through a private plan for those employed 30 or more days. Private plans provide benefits equal to or greater than the state plan. Private plans can be insured through a carrier.

Who is eligible for this program?

Oregon employees who earned \$1,000 or more in the year prior to claiming their benefit are eligible. Independent contractors, employees of tribal governments and federal government employees are not eligible. Tribal governments and people who are self-employed may opt into the program.

How is the program funded and administered?

The program is funded through payroll contributions. Cost of the program has been set at 1% of wages up to the Social Security Taxable Wage Base, adjusted annually. The Social Security Taxable Wage Base for 2024 is \$168,600. The program is 60% employee-paid and 40% employer-paid. The Oregon Employment Department administers the state plan.

What amount of benefits should qualifying employees expect to collect?

For those earning \leq 65% of the state's average weekly wage or SAWW: 100% of covered individual's average weekly wage

For those earning $>$ 65% of SAWW: 65% of SAWW plus 50% of the individual's average weekly wage over 65% of SAWW

SAWW: \$1307.17 (from July 1, 2024 through June 30, 2025)

Minimum Benefit: 5% of the SAWW

Maximum Benefit: 120% of the SAWW

* All information and dates are subject to change by the state. This information is intended, but not promised or guaranteed to be current, complete, or up-to-date, as statutes, regulations and regulatory guidance are subject to change. It is intended for educational purposes only; it is not intended to be and should not be construed to be legal advice. Employers are encouraged to consult employment counsel for legal advice.



Tips to help Oregon employers

Coordination with the Family and Medical Leave Act

- An insurance carrier or the state accepting a claim for PFML benefits doesn't automatically cause FMLA leave to run at the same time. This applies even if the leave is covered under both laws. Employers will still need to designate FMLA leave by providing notice required under federal FMLA regulations.
- The eligibility requirements for FMLA and PFML don't align completely. Employees may become eligible for PFML earlier in their tenure than for FMLA. And, the circumstances under which an employee can take PFML are broader than FMLA. For example, employees may use PFML to care for a grandparent or grandchild but may not use FMLA for that purpose.
- The regulations for Oregon PFML don't include a key employee exemption like FMLA — no matter the size of the employer or the role played by the employee. Once PFML is approved, if the employee has worked for the employer 90 days, the employer must grant it and guarantee reinstatement at the conclusion of the leave.
- An employer may permit, but not require, an employee to use all or a portion of other paid sick time, vacation leave or any other paid leave.
- Employees who have served 90 consecutive days of employment must be restored to their original position, or to an equivalent position. Reinstatement must come with the same status, pay, employment benefits, length of service credit and seniority as of the date of leave.

Is Oregon's paid leave part of the FMLA?

- Oregon PFML isn't part of the FMLA. This is a state-mandated program with different eligibility rules and employer requirements than federal FMLA. However, in many cases where the available leave types overlap, the Oregon PFML and federal FMLA can run concurrently.

The Standard is committed to partnering with Oregon employers to help benefits administrators understand PFML.

How are we helping employers understand PFML?

Following local, state and federal rules for employee leaves and accommodations can be tough. That's why we're helping employers stay compliant with leave laws in more than one way, including:

- Taking on the burden of understanding leave compliance and managing employee recovery
- Administering Oregon PFML on top of the other federal and state leaves
- Keeping up with strict tracking requirements
- Managing an employee's intermittent leave or multiple leave types at the same time
- Identifying and addressing absence patterns

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All coverage is subject to the terms and conditions of the group policy or plan document. If there is any discrepancy between this material and the group policy or plan document, the group policy or plan document will govern. Oregon Paid Family and Medical Leave Insurance underwritten by Standard Insurance Company is provided under policy form numbers: OR2023-PFML, OR2023-PFML-ENDORSEMENT

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Questions about Oregon PFML?
Contact your sales or service representative.