

EMPLOYEE BENEFITS COMPLIANCE UPDATE

A Parker, Smith & Feek Benefit Alert

MAY 2024

Oregon Family Leave Act (OFLA) Changes - Employer Notification to Rescind Approved Leaves Due June 1, 2024

The Oregon Bureau of Labor and Industries (BOLI) issued temporary and proposed rules under [OAR 839-009-0201](#). The rules provide guidance to employers for navigating recent changes to Paid Leave Oregon (PLO) and OFLA that were mandated under [SB 1515](#). For details on the SB 1515 mandates, view this [IMA article](#).

Under the temporary rules, employers may choose to rescind approval of OFLA leave for bonding/care of a family member or the employee's own serious medical condition since these leaves will no longer be eligible under OFLA as of July 1, 2024.

Oregon employers must notify employees in writing if OFLA will no longer apply to a leave previously approved for use on or after July 1st. The notice must inform employees of their ability to apply for benefits with Paid Leave Oregon (or the administrator of the employer's equivalent plan).

Employers should review current approved or pending leave requests and take the appropriate notification action in these situations.

Who needs to send the notification?

The employer must send out the notice.

When is the notice due?

Notification of OFLA changes and Paid Leave Oregon availability is required to be **distributed by June 1st**.

Who must receive the notice?

Employees who have already submitted a request for OFLA leave and have been notified by the employer that they are eligible and qualified for OFLA currently and after June 30, 2024. These employees will need to be notified if the leave will no longer be covered by OFLA after July 1.

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Notification of OFLA changes and Paid Leave Oregon availability required within 14 calendar days of the request.

- + Employees who submit a request for an eligible OFLA leave that will begin on or after July 1, 2024.
- + Employees who submit a request for an OFLA leave that will no longer be eligible after July 1, 2024.

Notice under the rule does not require specific language. The DOL has provided this suggested language.

Under recent legislative changes, leaves which are not for bereavement, pregnancy disability or to care for your child's illness, injury or a condition that requires home care, will no longer be protected by the Oregon Family Leave Act beginning July 1, 2024. Other laws may well provide you with protected leave. Please see the attached notice on Paid Leave Oregon and feel free to connect with HR to explore your options.

When the notice is sent to employees, it should include information on Paid Leave Oregon. Employers who are participating in the state plan can include the [model notice poster](#). Employers with an equivalent plan can include the model notice poster provided by their carrier.

Are employers required to notify all employees on OFLA leave?

No. A notification is not required for employees who submit a request for OFLA leave that will begin and end before July 1, 2024.

