



FMLA Oregon

Federal vs. Oregon Family & Medical Leave Laws

	FEDERAL ELEMENTS	STATE ELEMENTS
Employers Covered	<p>Private employers with 50 or more employees in at least 20 weeks of the current or preceding year.</p> <p>Public agencies, including state, local and federal employers.</p> <p>Local education agencies covered under special provisions.</p>	<p>In addition to the federal FMLA, Oregon has laws requiring (1) family leave, (2) bone marrow donation leave, (3) military family leave, (4) leave for victims of domestic violence, sexual assault, stalking and bias, and (5) sick time.</p> <p>*See note at end of document about Oregon paid family and medical leave, which began providing benefits in September 2023.</p> <p>*Effective July 1, 2024, qualifying reasons for family leave are significantly reduced to avoid duplication with paid family and medical leave.</p> <p>Family Leave: Employers with 25 or more employees in at least 20 weeks of the current or preceding year. Special provisions for teachers.</p> <p>Bone Marrow Donation Leave: All employers.</p> <p>Military Family Leave: Employers with 25 or more employees in at least 20 weeks of the current or preceding year.</p> <p>Victim Leave: Employers with six or more employees in at least 20 weeks of the current or preceding year.</p>

		<p>Sick Time Leave: All employers. Employers with 10 or more employees must provide paid sick time.</p> <p>Employers with fewer than 10 employees must provide sick time, but it may be unpaid.</p>
<p>Employees Eligible</p>	<p>Work for employer for at least 12 months (which need not be consecutive); worked at least 1,250 hours for employer during 12 months preceding leave; and employed at a worksite with 50 or more employees within 75 miles of worksite.</p>	<p>Family Leave:</p> <ul style="list-style-type: none"> • Employees who have worked for at least 180 days prior to leave are eligible for parental leave (that is, leave to care for a newborn child or a child placed for adoption or foster care). The 180-day requirement is reduced to 30 days during public health emergencies for employees who worked an average of at least 25 hours weekly during that time. <i>(Effective July 1, 2024, parental leave is no longer covered under family leave but is covered by paid family and medical leave.)</i> • Employees who have worked for at least 180 days and worked an average of at least 25 hours per week during the 180 days prior to leave are eligible for any other type of family leave. The 180-day requirement is reduced to 30 days during public health emergencies. <p>Bone Marrow Donation Leave: Employees who work an average of at least 20 hours per week.</p> <p>Military Family Leave: Employees who work an average of at least 20 hours per week and who are the spouse or same-sex domestic partner of a member of the U.S. Armed Forces, National Guard or Reserves.</p> <p>Victim Leave: Employees who work an average of at least 25 hours per week for at least 180 days prior to leave and are:</p> <ul style="list-style-type: none"> • A victim of domestic violence, harassment, sexual assault, stalking or bias; or • The parent or guardian of a minor child or dependent who is a victim of domestic violence, harassment, sexual assault, stalking or bias.

		<p>Sick Time Leave: All employees (including part-time and temporary employees) who have completed 90 days of employment. Employees accrue paid or unpaid sick time based on their employer size.</p>
<p>Leave Amount</p>	<p>Generally, up to a total of 12 weeks during a 12-month period.</p> <p>Up to 26 weeks during a single 12-month period to care for spouse, child, parent or next of kin who is a covered service member with a serious injury or illness.</p> <p>However, leave for birth, adoption, foster care, care for a parent with a serious health condition or care for a covered service member with a serious injury or illness must be shared by spouses working for same employer.</p>	<p>Family Leave: Generally, up to a total of 12 weeks in a one-year period, with the following exceptions:</p> <ul style="list-style-type: none"> • A female employee may take an additional 12 weeks of pregnancy disability leave. • An employee who takes the entire 12 weeks of parental leave following the birth or placement of a child may take up to an additional 12 weeks of leave to care for a sick child (must be completed within 12 months after the birth or placement). <i>(Effective July 1, 2024, parental leave is no longer covered under family leave but is covered by paid family and medical leave.)</i> • Effective July 1, 2024, two extra weeks (beyond the 12 weeks of family leave) to effectuate the adoption or foster child placement process. <i>(The provision expires Jan. 1, 2025, at which point paid family and medical leave covers this qualifying event.)</i> • An employee is eligible for a total of two weeks of family leave for the death of a family member, limited by the total amount of family leave that the employee has remaining for the year (must be completed within 60 days of the date the employee receives notice of the death; employer may not require an employee to take multiple periods of leave concurrently if more than one family member dies during the one-year period). <i>(Effective July 1, 2024, bereavement leave is limited to four weeks annually.)</i> <p>Effective July 1, 2024, “one-year period” means a period of 52 consecutive weeks beginning on the Sunday immediately</p>

		<p>preceding the date on which family leave commences.</p> <p>Family members working for the same employer may not take concurrent family leave except in the following situations:</p> <ul style="list-style-type: none"> • One employee needs to care for the other employee who is suffering from a serious health condition. <i>(This provision is no longer effective after July 1, 2024.)</i> • One employee needs to care for a child who has a serious health condition while the other employee is also suffering from a serious health condition. <i>(Effective July 1, 2024, this provision is changed, allowing concurrent family leave if one employee is taking sick child/child public health closure leave while another employee is taking pregnancy disability leave.)</i> • The employees are taking leave for the death of a family member. <i>(Effective July 1, 2024, this provision is changed to allow concurrent family leave if one or more of the employees is taking leave for the death of a family member.)</i> • Bone Marrow Donation Leave: Length of leave is determined by the employee, but may not exceed the amount of already accrued paid leave or 40 work hours, whichever is less, unless the employer agrees otherwise. <p>Military Family Leave: Up to 14 days of leave per deployment. This leave counts against an employee’s family leave entitlement.</p> <p>Victim Leave: A reasonable leave to seek legal or law enforcement assistance or remedies, seek medical treatment or recover from injuries, obtain counseling or services from a victim services provider, relocate or take steps to secure an existing home. Employer may limit the amount of leave if it creates an undue hardship on the employer’s business.</p>
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		<p>Sick Time Leave:</p> <ul style="list-style-type: none"> • Employers with 10 or more employees must provide up to 40 hours of paid sick time per year. • Employers with fewer than 10 employees must provide up to 40 hours of unpaid sick time per year. <p>*Portland employers see special note at end of document.</p> <p>Employees must accrue at least one hour of sick time for every 30 hours worked (or 1 1/3 hour of sick time for every 40 hours worked).</p> <p>Employees may carry over up to 40 hours of unused sick time from one year to the next. An employer may limit employee accruals to 80 hours per year and limit use of sick time to 40 hours per year. An employer may choose any consecutive 12-month period for purposes of compliance.</p> <p>An employer may front-load 40 hours of sick time at the start of the year for employees (paid or unpaid, depending on the employer’s size). An employer who front-loads sick time need not comply with the accrual and carry over requirements.</p> <p>An employer that claims an undue hardship in allowing employees to use sick time in hourly increments must front-load employees with 56 hours of sick time leave.</p>
<p>Type of Leave</p>	<p>Unpaid leave for:</p> <ul style="list-style-type: none"> • Birth of employee’s newborn child; • Placement of child with employee for adoption or foster care; • Providing care for employee's parent, child or spouse with serious health condition; • Employee’s own serious health condition; 	<p>Family Leave: Unpaid leave to:</p> <ul style="list-style-type: none"> • Care for an infant, a newly adopted child or a newly placed foster child under 18 years old, or an adopted or foster child older than 18 if the child is incapable of self-care because of a mental or physical disability. <i>(Effective July 1, 2024, this leave is no longer covered as family leave; however, it is covered as paid family and medical leave.)</i> • (Effective July 1, 2024) Effectuate the adoption or foster child placement

	<ul style="list-style-type: none"> • Any qualifying exigency when employee's spouse, child or parent is on active duty or is notified of impending call or order to active duty in Armed Forces; or • Caring for a spouse, child, parent or next of kin who is a covered service member with a serious injury or illness. 	<p>process. <i>(Provision expires Jan. 1, 2025, at which point paid family and medical leave covers this qualifying event.)</i></p> <ul style="list-style-type: none"> • Care for a family member with a serious health condition (including a spouse; domestic partner; biological, adoptive or foster parent; child; grandparent; grandchild; parent-in-law; person standing in place of a parent or child; and children and parents of a domestic partner. "Family member" also includes a child's spouse or domestic partner, a parent's spouse or domestic partner, a sibling or stepsibling of a covered individual or the sibling's or stepsibling's spouse or domestic partner, a grandparent's spouse or domestic partner, a grandchild's spouse or domestic partner, or any individual related by blood or affinity whose close association with a covered individual is the equivalent of a family relationship). <i>(Effective July 1, 2024, this leave is no longer covered as family leave; however, it is covered as paid family and medical leave.)</i> • Recover from or seek treatment for the employee's own serious health condition. <i>(Effective July 1, 2024, this leave is no longer covered as family leave; however, it is covered as paid family and medical leave.)</i> • Care for a child who is suffering from an illness, injury or condition that is not a serious health condition but requires home care. <i>(Effective July 1, 2024, home care for a child's serious health condition is also included.)</i> • Care for a child who requires home care due to the closure of the child's school or child care provider as a result of a public health emergency. • Deal with the death of a family member by attending the funeral (or alternative to a funeral), making arrangements or grieving.
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		<ul style="list-style-type: none"> • To obtain services from a victim services provider or to relocate because the employee or the employee’s minor child are victims of domestic violence, harassment, sexual assault or stalking; • In the event of a public health emergency, including: <ul style="list-style-type: none"> ○ Closure of the employee's place of business, or the school or place of care of the employee's child, by order of a public official due to a public health emergency; ○ A determination by a lawful public health authority or by a health care provider that the presence of the employee or the family member of the employee in the community would jeopardize the health of others, such that the employee must provide self care or care for the family member; ○ The exclusion of the employee from the workplace under any law or rule that requires the employer to exclude the employee from the workplace for health reasons; ○ An emergency evacuation order of level 2 (SET) or level 3 (GO) issued by an authorized public official if the area subject to the order includes either the employer’s place business or the employee’s home address (not available for workers employed as first responders); or ○ A determination by an authorized public official that the air quality index or heat index are at a level where continued exposure would jeopardize the health of the employee (not available for workers employed as first responders).
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<p style="text-align: center;">Serious Health Condition/Serious Injury or Illness</p>	<p>Serious Health Condition: Illness, injury, impairment, or physical or mental condition involving incapacity or treatment connected with inpatient care in hospital, hospice, or residential medical-care facility, or continuing treatment by a health care provider involving a period of incapacity due to:</p> <ul style="list-style-type: none"> • A health condition lasting more than three consecutive full calendar days and involving a certain level of treatment; • A chronic serious health condition or a permanent or long-term condition for which treatment may be ineffective; • Absences to receive multiple treatments (including recovery periods) for a restorative surgery or for a condition that if left untreated likely would result in incapacity of more than three days; or • Any incapacity related to pregnancy or for prenatal care. <p>Serious Injury or Illness: In the case of a member of the Armed Forces, including a member of the National Guard or Reserves, an injury or illness</p>	<p>Family Leave: A “serious health condition” means:</p> <ul style="list-style-type: none"> • An illness, injury, impairment or physical or mental condition that requires inpatient care in a hospital, hospice or residential medical care facility; • An illness, disease or condition that, in the medical judgment of the treating health care provider, poses an imminent danger of death, is terminal in prognosis with a reasonable possibility of death in the near future or requires constant care; or • Any period of disability due to pregnancy or period of absence for prenatal care, including childbirth or pregnancy termination, or a period of absence for prenatal care, including fertility or infertility treatment. <p>No provision for other types of leave.</p>

	<p>incurred by the member in line of duty on active duty in the Armed Forces (or which existed before the beginning of active duty and was aggravated by service in the line of duty on active duty) that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating.</p> <p>For a veteran of the Armed Forces, including a veteran of the National Guard or Reserves, an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces (or which existed before the beginning of active duty and was aggravated by service in the line of duty on active duty) and that manifested itself either before or after the member became a veteran.</p>	
<p>Health Care Provider</p>	<p>Doctors of medicine or osteopathy authorized to practice medicine or surgery; podiatrists, dentists, clinical psychologists, clinical social workers, physician assistants, optometrists, chiropractors (limited to manual manipulation of spine to correct subluxation shown to exist by x-ray), nurse practitioners, and nurse-midwives, if authorized to practice under state law and consistent with the scope of their authorization; Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, MA; any provider so recognized by the employer or its group health plan's benefits manager; and any health provider listed above who practices and is authorized to practice in a</p>	<p>Family Leave: Similar to federal FMLA but does not include language extending recognition to any provider recognized as such by the employer or its group health plan's benefits manager. Includes naturopaths and direct entry midwives. Also includes persons who are primarily responsible for treatment of an eligible employee solely through spiritual means, including, but not limited to, a Christian Science practitioner.</p> <p>Sick Time Leave: Same as defined under Family Leave (above).</p> <p>No provision for other types of leave</p>

	country other than the United States.	
Intermittent Leave	<p>Permitted for serious health condition, for care of covered service member when medically necessary and for active duty leave.</p> <p>Not permitted for care of newborn or new placement by adoption or foster care, unless employer agrees.</p>	<p>Family Leave: Permitted under standards similar to the federal FMLA. Employee may take parental leave in two or more nonconsecutive periods only with employer’s approval.</p> <p>Bone Marrow Donation Leave: Permitted</p> <p>Military Family Leave: Permitted in multiple blocks of time and/or under an altered or reduced work schedule.</p> <p>Victim Leave: Permitted</p> <p>Sick Time Leave: Permitted to be taken in hourly increments, unless it would impose undue hardship on the employer.</p>
Substitution of Paid Leave	<p>Employees may elect, or employers may require, accrued paid leave to be substituted in some cases. Employee must follow terms and conditions of employer’s normal paid leave policies.</p>	<p>Family Leave: Employees may use any paid accrued vacation or sick leave or any other paid leave. Employers may generally determine the order in which accrued leave is to be used where more than one type of accrued leave is available. Family leave that also qualifies as paid family and medical leave or leave under the federal Family and Medical Leave Act must be taken concurrently with those leaves. <i>(Effective July 1, 2024, family leave and paid family and medical leave will not run concurrently.)</i></p> <p>Bone Marrow Donation Leave: Employees use their accrued paid leave or 40 work hours, whichever is less, for bone marrow donation.</p> <p>Military Family Leave: Employees may use any paid accrued vacation or sick leave or any other paid leave.</p> <p>Victim Leave: Employees may use any paid accrued vacation or sick leave or any other paid leave. Employer may generally determine the order in which accrued leave is to be used where more than one type of accrued leave is available.</p> <p>Sick Time Leave: Employer with sick leave, paid vacation, paid personal time off</p>

		or other paid time off policies or programs that are substantially equivalent to, or more generous than, the minimum requirements of the state’s sick time leave law will be considered in compliance.
Reinstatement Rights	Must be restored to same position or one equivalent to it in all benefits and other terms and conditions of employment.	<p>Family Leave: Employers must offer returning employees whose jobs are no longer available at their former site the closest available equivalent position within 50 miles of the former site.</p> <p>Bone Marrow Donation Leave: Employers may not retaliate against an employee for requesting or using accrued paid leave of absence to undergo a procedure to donate bone marrow.</p> <p>Military Family Leave: Similar to federal FMLA.</p> <p>Victim Leave: Employer may not discharge, threaten to discharge, demote, suspend or in any manner discriminate or retaliate against an employee because he or she takes leave.</p> <p>Sick Time Leave: Employer may not retaliate or discriminate with respect to any term or condition of employment because an employee inquired about, requested or used sick time. In addition, an employer may not apply an attendance policy that includes covered sick time as an absence that may lead to an adverse employment action.</p>
Key Employee Exception to Reinstatement Rights	Limited exception for salaried employees if among highest paid 10 percent of workforce within 75 miles of worksite, restoration would lead to grievous economic harm to employer and other conditions met.	No provision
Maintenance of Health Benefits During Leave	Health insurance must be continued under same conditions as prior to leave.	Family Leave: The Oregon Family Leave Act requires the continuation of health coverage for an employee on leave, similar to the federal FMLA.

		<p>Bone Marrow Donation Leave: Leave does not affect an employee’s rights with respect to any other employment benefit.</p> <p>Military Family Leave: Same as family leave.</p> <p>Victim Leave: No provision</p> <p>Sick Time Leave: Sick time is compensated at the regular rate of pay and without reductions in benefits, including health care benefits that the employee had at the time he or she used sick time.</p>
<p>Leave Requests</p>	<p>To be made by employee at least 30 days prior to date leave is to begin where need is known in advance or, where not foreseeable, as soon as practicable.</p> <p>If due to a planned medical treatment or for intermittent leave, the employee, subject to health care provider's approval, shall make a reasonable effort to schedule it in a way that does not unduly disrupt employer's operations.</p> <p>If due to foreseeable active duty of family member, notice must be made as soon as practicable.</p>	<p>Family Leave: Employer may require 30 days’ advance written notice—in accordance with its known, reasonable and customary procedures—unless leave is unexpected. Employees with some advance notice of need for leave must give employer as much advance notice as practicable.</p> <p>Employees who do not give prior notice of unexpected leave must give verbal or written notice within 24 hours of leave (which may be given by someone on the employee’s behalf), followed by written notice within three days after return to work.</p> <p>Bone Marrow Donation Leave: No provision</p> <p>Military Family Leave: Employee must provide notice of leave within five business days of receiving official notice of an impending call or order to active duty or leave from deployment, or as soon as is practicable if official notice is provided fewer than five days before taking leave.</p> <p>Victim Leave: Employee must provide reasonable advance notice, unless giving advance notice is not feasible. For unanticipated or emergency situations, the employee must give oral or written notice as soon as practicable.</p> <p>Sick Time Leave: When possible and when the need for leave is foreseeable, an employer may require advance notice of an employee’s intention to use sick time, up to 10 days prior (or as soon as otherwise</p>

		<p>practicable). An employee must make a reasonable attempt to schedule sick time in a manner that does not unduly disrupt the employer’s operations.</p>
<p>Certification Requirement</p>	<p>Employer may require certification for the following:</p> <p>Request for leave because of serious health condition or to care for covered service member with a serious illness or injury.</p> <p>Request for qualifying exigency leave because of family member’s active duty or call to active duty in the Armed Forces.</p> <p>To demonstrate employee's fitness to return to work from medical leave where employer has a uniformly applied practice or policy requiring such certification.</p>	<p>Family Leave: Employers may require medical verification for leave except for parental leave, leave for the death of a family member or for sick child leave due to the closure of a child’s school or child care provider as a result of a public health emergency.</p> <p>For sick child leave, employers may require medical certification from a health care provider only if the employee has taken more than three days of sick child leave in one year.</p> <p>Employers may require an attestation form to verify leave for the death of a family member related by affinity.</p> <p>Requests for medical verification must be in writing and must state the consequences for failing to comply.</p> <p>Employers that require advance written notice of foreseeable leave may require advance medical verification of the need for leave.</p> <p>Employees must provide medical verification of unforeseeable leave within 15 days of the employer’s request.</p> <p>Employers may require medical verification of an employee’s ability to return to work after taking leave for their own serious health condition, but only if medical verification is required of employees returning to work after other kinds of leave.</p>

		<p>Bone Marrow Donation Leave: Employer may require verification by a physician of the purpose and length of leave.</p> <p>Military Family Leave: Employer may require a copy of the service member’s active duty orders within a reasonable time to confirm that leave is for a permitted purpose.</p> <p>Victim Leave: Employer may require certification within a reasonable time that the employee or a minor child or dependent is a victim of domestic violence, harassment, sexual assault, stalking or bias, and that the leave is taken for a permitted purpose.</p> <p>Sick Time Leave: An employer may require verification from a health care provider if an employee takes more than three consecutive workdays of sick time. Where an employee’s need for sick time is anticipated to last more than three consecutive workdays, the employer may require verification be provided prior to the commencement of sick time.</p> <p>In addition, an employer who suspects abuse of sick time by an employee (pattern of unscheduled sick time adjacent to weekends, holidays and vacation days) may require verification from the employee, regardless of whether the employee was out for three consecutive workdays.</p> <p>Employers are prohibited from requiring that the verification explain the nature of the illness or details related to the use of sick time.</p>
<p>Executive, Administrative, and Professional Employees</p>	<p>These individuals are entitled to FMLA benefits. However, their use of FMLA leave does not change their status under the Fair Labor Standards Act (FLSA), i.e., an employer does not lose its exemption from the FLSA's minimum wage and overtime requirements.</p>	<p>Family Leave: Similar to federal FMLA when FMLA applies, but not in cases when only the Oregon Family Leave Act applies.</p> <p>Sick Time Leave: An employee who is exempt from the overtime provisions of the FLSA is presumed to work 40 hours in each week for the purpose of sick time accrual. However, if the employee’s actual workweek is fewer than 40 hours, sick time accrues based on the employee’s actual workweek.</p>

		No provision for other types of leave
Statutes	29 USC 2601	OR ST §§ 659A.150–659A.186, OAR 839-007-0000, 839-009-0200 - 839-009-0320 (family leave); OR ST § 659A.312 (bone marrow donation leave); §§ 659A.090–659A.099 (military family leave); §§ 659A.270–659A.290 (victim leave); OR ST § 653.601-653.661 (sick time leave)

SPECIAL NOTE: Prior to the passage of Oregon’s sick time law, the cities of [Portland](#) and Eugene passed their own sick leave ordinances. Eugene’s sick leave ordinance was preempted by the state law; employers in Eugene must only comply with the state’s sick leave requirements.

Portland’s sick time ordinance requires employers with six or more employees to provide paid sick time, and employers with fewer than six employees to provide unpaid sick time. Because it is more protective than the state sick time law, Portland’s sick leave ordinance remains in effect. However, employers in Portland must comply with the state sick time law in all other aspects. This means Portland employers with six or more employees must comply with the law’s requirements that apply to employers with 10 or more employees.

SPECIAL NOTE: Oregon’s **paid family leave program**, [Paid Leave Oregon](#), provides workers with up to 12 weeks of paid family and medical leave, and up to 18 weeks of pregnancy disability leave. Employees contribute 60% of program funding, and employers with 25 workers or more contribute the remaining 40%, via a payroll tax. Employers with fewer than 25 employees are exempt from payments. Benefits became available Sept. 3, 2023.

Oregon Bureau of Labor and Industries

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