

AGENDA ITEM FOR ADMINISTRATIVE MEETING () Discussion only
(x) Action

FROM (DEPT/ DIVISION): HR

SUBJECT: Policy - Paid Leave Oregon

Background: To comply with Oregon’s new Paid Leave program, Umatilla County must adopt a Paid Leave Oregon Policy.	Requested Action: Adopt County Policy 4.3b in accordance with Paid Leave Oregon effective immediately
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ATTACHMENTS: Proposed Policy

Date: (08/16/2023) Submitted By: Jennifer Blake

*****For Internal Use Only*****

Checkoffs:

- () Dept. Head (copy)
- () Human Resources (copy)
- () Fiscal
- (x) Legal (copy)
- () (Other - List:)

To be notified of Meeting:

Needed at Meeting:

Scheduled for meeting on: August 16, 2023

Action taken:

Follow-up:

UMATILLA COUNTY PERSONNEL POLICIES

<u>POLICY TITLE:</u>	Paid Leave Oregon
<u>POLICY NUMBER:</u>	4.3b
<u>EFFECTIVE:</u>	August 16, 2023
<u>REVIEWED:</u>	2023

Reasons for Leave and Leave Length

PLO is a state-run program that allows eligible employees to take up to 12-weeks of paid time off per benefit year, for the following reasons:

- *Family leave* – for an employee to care for a family member with a serious illness or injury, or to bond with a new child after birth, adoption, or foster care placement.
- *Medical leave* – for an employee experiencing their own serious health condition or disability due to pregnancy.
- *Safe leave* – for an employee or eligible child dependent experiencing issues related to sexual assault, domestic violence, harassment, or stalking.

The PLO program also allows employee to take an additional two (2) weeks of paid leave for pregnancy, childbirth, or related medical conditions.

An additional four (4) weeks of unpaid leave is also allowed for other OFLA protected reasons.

Notification Requirements

Although the plan is administered by Paid Leave Oregon, Umatilla County requires employees to notify the Human Resources Department when they have applied for PLO leave.

Foreseeable Leave: If the need for PLO leave is foreseeable or planned, the employee is required to provide Umatilla County Resources at least 30 days' written notice before paid leave is to begin. Written notice should be submitting using the Notice of Leave Request form (request from HR or available on the County's intranet).

Unforeseeable: If the need for PLO leave is unforeseeable or unplanned, an employee is required to provide oral notice to Umatilla County Human Resources within 24 hours of the start of the leave, and the employee must also provide written notice within three (3) days after the start of the leave. Written notice should be submitting using the Notice of Leave Request form (request from HR or available on the County's intranet).

If the employee's dates of scheduled leave change, are extended by PLO, or if the reason for leave becomes known and/or, if circumstances change during the leave and the leave period differs from the original request, the employee must notify Umatilla County Human Resources within three business days, or as soon as possible.

Regardless of the reason for leave, or whether the need for leave is foreseeable, employees are expected to comply with your Department/Division's normal call-in procedures.

Under Oregon law, an employee who fails to follow these notification requirements may receive reduced PLO benefits; specifically, the first weekly benefit amount will be reduced by 25 percent (the penalty calculated for leaves that are taken in increments of less than a full work week differs). See OAR 471-070-1310(9) and (10).

Concurrent use of FMLA/OFLA Leave

As allowed by law:

If an employee's PLO leave is also eligible for protected leave under the Oregon Family Leave Act (OFLA) and/or the Family Medical Leave Act (FMLA), OFLA and/or FMLA leave must be taken concurrently with PLO leave.

Employees must provide sufficient information for Umatilla County Human Resources to determine if the leave qualifies for FMLA and/or OFLA protection. Employees who have requested or have been approved for PLO leave are required to complete a FMLA/OFLA Health Care Provider Certification for Serious Health Condition Request Form and return it to Umatilla County Human Resources.

If an employee is eligible for OFLA and/or FMLA leave due to a "serious health condition" or has a family member with a "serious health condition", employees must furnish Umatilla County Human Resources medical certification information as required by the County's FMLA and/or OFLA policy. (FMLA/OFLA Health Care Provider Certification for Serious Health Condition Request Form as part of Policy 4.3).

Accrued Leave and Holiday Pay While on Leave

Employees on PLO leave will not accrue sick, vacation, or other employer-provided leave for any portion of unpaid leave. Employees will not receive holiday pay if on unpaid leave while on PLO. PLO does not pay benefits for holidays; however, employees can elect to utilize their own accrued paid leave to provide compensation for holidays.

Benefits While on Leave

If an employee is on a state approved PLO leave, Umatilla County will continue pay the employee's medical, dental, and life premiums, on the same terms as if the employee had continued to work. The employee is responsible for paying his/her share of premiums, the same as when premiums were paid by the employee, prior to the PLO leave.

Medical Certification Prior to Returning to Work

Employee must furnish, prior to returning to work, medical certification from his/her health care provider stating that the employee is able to resume work.

Job Protection (ORS 657.060)

Employees who have worked for Umatilla County for more than 90 consecutive calendar days prior to taking PLO leave will be reinstated to their former position, if the position still exists. If the position has been eliminated, the employee will be reassigned to an available equivalent position for which the employee is qualified with equivalent employment benefits, pay and other terms and conditions of employment.

Reinstatement is not guaranteed if the position has been eliminated under circumstances where the law does not require reinstatement.

Employees are expected to promptly return to work when the circumstances requiring PLO leave have been resolved. If an employee does not return to work at the end of a PLO leave, reinstatement may not be available unless the law requires otherwise.

Employees who work for other employers while taking PLO leave may be subject to discipline up to and including termination. Additionally, all employees who use PLO leave for reasons other than the reason for which leave had been granted may be subject to discipline up to and including termination.

Use of Accrued Leave to Supplement Paid Leave Oregon Benefit

Paid Leave Oregon benefits will not provide the majority of employees with 100% of their gross regular wages, so employees receiving PLO benefits, may choose to supplement their PLO benefits in accordance with paid leave balances for sick, vacation, comp-time, Floating Holiday, or Birthday up to 100% of the employee's regular gross wage. When PLO Benefits and supplemental employer compensation are added together, the amount paid cannot exceed the employee's regular gross monthly wage.

To request use of employer compensation, employees are required to complete, sign, and then submit, a Supplemental Leave Request, along with their PLO Benefit Determination Letter, no later than the 20th of the month prior to payday. Umatilla County will then determine the amount of accrued leave, within County policy, needed to equal approximately 100% of the employee's regular gross wages. Failure to complete, sign, and return the Supplemental Leave Authorization Form to Umatilla County Human Resources in a timely manner may result in the employee not being allowed to use employer compensation to supplement PLO benefits.

Who to contact for more information

For more information about Umatilla County's Paid Leave Oregon policy, contact Human Resources.

Umatilla County does not administer the Paid Leave Oregon program, determine an employee's eligibility, or an employee's benefit payments. For questions about eligibility, concerns or questions about benefit payments or status of payment, employees will need to contact Paid Leave Oregon directly. Employee information and Paid Leave Oregon contact information is available at the following website:

[Paid Leave Oregon: Employees: Employees: State of Oregon](#)

PAID LEAVE OREGON - NOTICE OF LEAVE REQUEST

First Name:	Last Name

Type of Leave: (Check one) See below for information about each leave type.			
<input type="checkbox"/>	Family Leave	<input type="checkbox"/>	Medical Leave
<input type="checkbox"/>	Safe Leave		

Explanation of the need for leave:

Anticipated Start Date:	
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Anticipated End Date:	
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Anticipated Return Date, if different than End Date:	
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Employee's Signature

Received by

Date

Date

OREGON PAID LEAVE - SUPPLEMENTAL LEAVE REQUEST

MUST ATTACH YOUR PLO DETERMINATION LETTER TO THIS FORM AND RETURN IT TO HUMAN RESOURCES NO LATER THAN THE 20TH OF THE CURRENT MONTH

NAME: _____

DEPARTMENT: _____

DATE: _____

I hereby request, Umatilla County utilize my available leave to supplement my state authorized PLO as follows
(leave will be utilized in quarter hour increments):

_____ Please utilize all my available leave in accordance with PLO Policy 4.3b.

_____ Please utilize my available leave balances as follows:

- Sick _____/hours
- Vacation _____/hours
- Comp-time _____/hours
- FH/BD _____/hours

Employee Authorization

Date