## Please note:

**This policy template is taken directly from the fourth version of the Oregon Government employee handbook template.**

**Please be sure to have your legal counsel review the final draft of your policy prior to implementation.**

**Also, be mindful of the fact that rules and regulations for Paid Leave Oregon may, and likely will, change in the future. Be sure to update your policy accordingly.**

## Paid Leave Oregon – Insurance (New Information 2024-25)

**[Organization Name]** provides a Paid Leave Oregon (PLO) insurance plan through **[Choose one: Oregon Employment Department, OR Name of third-party insurance organization, OR self-insured coverage].** This insurance is required by Oregon state law and provides paid time off to eligible employees. This is a protected leave. All health-related information gathered by the insurer and organization during this process will be maintained as confidential. Employees will not be discriminated against or retaliated against for using or trying to use this insurance benefit. We encourage each employee to use the combination of time off and benefits that meets their personal needs.

**Cost**

Employees will see a **[up to 60% of 1%]** deduction from gross wages for each paycheck. The employer will contribute **[no less than 40% of 1%]** of the employee’s gross wages for each paycheck.

The employee and employer minimum and maximum, as well as overall costs, of this coverage will be assessed annually by the Oregon Employment Department and may change. We will be provided notice to employees in advance of any change.

***NOTE: If your organization has fewer than 25 total employees (including those working outside the state of Oregon) you are not required to make the employer contribution. However, this may impact the organization’s eligibility for grant assistance related to PLO leave taken by employees.***

***NOTE: Oregon Employment Department will assess and adjust, as needed, the employee deduction and employer contribution levels, and total gross wage cost annually.***

**Eligibility**

Most employees who work in Oregon are eligible to submit a claim. The determination of eligibility will be made by **[Choose one: Oregon Employment Department, OR Name of third-party insurance organization, OR Job Title in your organization].** If an employee disagrees with an eligibility determination, the employee may use the appeal process outlined in the determination notice.

**Length of leave**

The length of leave is part of the determination process.

An employee may qualify for up to twelve (12) weeks of leave annually. The annual benefit year begins the Sunday prior to the first use of leave for any reason. The coverage may be approved in intermittent single day use up to a continual twelve (12) week period.

**Reasons for leave**

Benefits may apply to a variety of situations, including:

* Family leave
  + During the birth of a child
  + Bonding with a child in the first year:
    - After birth
    - When the child is placed in the employee’s home through foster care or adoption (beginning 1/1/2025)
* Employees own serious health condition\*
* To care for a family member with a serious health condition\*
* Medical leave - The employee caring for themselves when the employee has a serious health condition\*
* Safe leave - For survivors of:
  + Sexual assault
  + Domestic violence
  + Harassment
  + Stalking
* Pregnancy Disability Leave (additional 2 weeks)

\* A serious health condition is an illness, injury, impairment, or physical or mental condition that: requires inpatient care, poses an imminent danger of death or possibility of death soon, requires constant or continuing care, involves a period of incapacity, involves multiple treatments, or involves a period of disability due to pregnancy.

**Insurance benefit while on leave**

The amount of benefit the employee will receive will be calculated based upon the employee’s earnings from the prior year. This will also be part of the determination of coverage process. The minimum and maximum benefit amounts may be adjusted by the Oregon Employment Department annually, and the employee will receive notification before a change occurs. Visit **[**[**Employees and Paid Leave Oregon**](https://paidleave.oregon.gov/employees/overview.html) **or Insurer’s website for employees]** for the current rates.

**Use of accrued leaves while on PLO**

Employees may choose to use accrued leaves while on PLO. Leaves will be used in the following order **[outline order of leave]**. Employees may use **[up to the number of hours they are regularly scheduled to work, OR the number of hours represent the difference between their benefit and their regular rate of pay excluding overtime]**. Employers may not require an employee to use these leave balance(s).

***The following language is optional:***

**Notification of the need for leave**

An employee is required to provide the employer notice of the intention to take leave. For planned events the employee is required to provide thirty (30) days written notice. For unplanned events the employee is required to notify the employer within twenty-four (24) hours of the leave and provide written notice within three (3) days. If an employee is incapacitated due to the unplanned event and are unable to meet these obligations, we ask the employee to notify the employer as soon as possible.

***NOTE: If you are not using a specific form for this notice you will need to outline what needs to be included in the written request in this policy. If you are using a form, add the following:***

Please complete the notice form found at **[enter location]** to notify the employer of the intention to take leave. The employee may also contact **[enter job title]** for a copy.

**Filing a claim for coverage**

***NOTE: The information provided below is applicable only to those organizations who have chosen coverage through the Oregon Employment Department. If you have chosen a third-party insurer or are self-insuring, you will want to insert the approved method for claim application here.***

Employees will need to establish an account at [Frances Online](https://www.oregon.gov/employ/frances/Pages/default.aspx/) and file claims electronically. This is the electronic system of record for the Oregon Employment Department. Employees are responsible for submitting the required paperwork and any updates or changes to their claim. The employer will be unable to complete the application process on the employee’s behalf.

**Job and benefit protection while on leave**

If an employee has been employed with the employer for at least ninety (90) days prior to the leave, the employee will be restored to the same position upon their return, if the same position exists. If the same position does not exist choose the statement below that represents your organization’s employee count to finish this sentence.

***NOTE: Twenty-five or more employees – Employees are entitled to a position equal to their previous position before they took leave, with equal employment benefits, pay and other terms and conditions.***

***OR***

***Fewer than twenty-five employees – Employees will be restored to a different position with similar job duties and the same employment benefits and pay. [This position may or may not have the same terms and conditions.]***

If, at the time of leave, the employee is receiving health benefits these will be maintained.

***NOTE: Optional depending on your plan design(s). The employee will be required to pay their portion of all elected benefits premiums while on leave.***

**Complaints procedure**

Our goal is to solve all concerns at the lowest possible level. We encourage all employees to bring complaints to **[enter job title – typically their supervisor]** promptly and in writing.

We understand employees may choose to seek outside assistance to resolve complaints regarding this coverage. Employees may contact the Oregon Bureau of Labor and Industries to file a complaint or may contact an attorney of their choice to determine if a civil action may be appropriate.