

Paid Leave Oregon and the Oregon Bureau of Labor & Industries (BOLI) created this document to help with some common questions about how [Paid Leave](#) and the [Oregon Family Leave Act \(OFLA\)](#) run concurrently. Concurrency, or concurrently, means that Paid Leave and OFLA leave are taken together.

Question: What does the employer need to tell the employee about Paid Leave?

Answer: An employer must provide employees with a [model notice](#) (poster). When an employee takes OFLA or leave under the [Family and Medical Leave Act \(FMLA\)](#), the employer should let the employee know about Paid Leave and should explain that OFLA, FMLA, and Paid Leave run at the same time if Paid Leave is taken for a purpose covered by two or more programs.

Question: Must the employee take OFLA and Paid Leave at the same time if both programs cover the purpose of the leave?

Answer: The employee may choose if they would like to take Paid Leave benefits. However, if the employee takes Paid Leave for a purpose that qualifies for both OFLA and Paid Leave, then the leave runs at the same time as OFLA. Employees need to provide notice of their need for protected OFLA/FMLA leave to their employers. Employees claiming Paid Leave will need to apply separately for paid benefits.

Question: How will the employer know the employee applied for Paid Leave?

Answer: If the employer participates in the state Paid Leave program and not an equivalent plan, the employer will receive a notice from OED that the employee has applied for Paid Leave. The employer will then receive a second notice from OED once a decision (approve or deny) has been made for the Paid Leave application.

When the reason for leave is foreseeable, the employee is required to give verbal notice to the employer at least 30 calendar days before starting leave

that they are applying for Paid Leave and the general reason for the leave. If the leave is not foreseeable, the employee is required to give verbal notice to the employer within 24 hours of starting leave and written notice within three days. Employees that do not provide required notice to their employers may have their first weekly benefit amount reduced by 25 percent.

Question: How many weeks of Paid Leave and OFLA leave can an employee take?

Answer: Generally, an employee who takes Paid Leave is allowed up to 16 weeks of total leave during the Paid Leave benefit year. This is a combination of Paid Leave and unpaid OFLA leave. The amount of Paid Leave may not exceed 12 weeks. There is an exception to this general rule for an employee who takes two additional weeks of Paid Leave for limitations related to pregnancy, childbirth, or a related condition, in which case the combined amount of leave cannot exceed 18 weeks, with no more than 14 weeks taken as Paid Leave.

Question: Does OFLA/FMLA leave taken before the start of Paid Leave on Sept. 3, 2023, limit the amount of Paid Leave an employee can take?

Answer: No. OFLA/FMLA leave taken before the start of Paid Leave will not reduce the total amount of leave available during the Paid Leave benefit year.

Question: Is all leave taken under OFLA subject to the 16–18-week limit if it is taken during the Paid Leave benefit year?

Answer: In general, yes – OFLA leave for bereavement and sick child leave are subject to the cap during a Paid Leave benefit year, even though they are not covered by Paid Leave. Note that there is an exception for leave taken under the Oregon Military Family Leave Act – although it counts against OFLA, it is not subject to the 16-18 week limit even if a Paid Leave benefit year has begun.

Question: If an employee takes OFLA leave that is not covered by Paid Leave (bereavement or sick child), is the leave included in the total amount of leave an employee can take under both OFLA and Paid Leave?

Answer: It depends. The combined maximum amount of leave that an employee can take under Paid Leave and OFLA is based on the Paid Leave

benefit year, which starts when Paid Leave starts. If the Paid Leave benefit year did not begin because the employee did not take any Paid Leave, then any OFLA leave taken for a purpose that does not qualify for Paid Leave benefits would be subject to applicable OFLA limits. If the Paid Leave benefit year began because the employee took approved Paid Leave for any eligible purpose, then any OFLA leave is included in the combined amount of leave and may reduce the 16-18 week limit allowed for the combined OFLA and Paid Leave.

Question: If an employee takes Paid Leave in September for six weeks, takes four weeks of OFLA leave for sick child in December, and then submits a Paid Leave application in March, how much Paid Leave and OFLA time does the employee have left in the Paid Leave benefit year?

Answer: In this example, the employee's Paid Leave benefit year began in September, the Sunday before the date Paid Leave began, and will ordinarily run for 52 weeks. This is the same time frame used to determine the maximum amount of leave an employee can take under Paid Leave and OFLA (usually a 16-week limit). The amount of time the employee took for OFLA sick child leave after the initial Paid Leave was taken reduces the maximum amount of leave an employee can take under Paid Leave and OFLA, since the employee already used 10 weeks of leave (six weeks of Paid Leave + four weeks of OFLA leave) in the benefit year. The employee has six weeks of leave remaining (16 week maximum – 10 weeks of Paid Leave/OFLA already taken).

Question: OFLA requires parental leave to be taken consecutively, but Paid Leave allows parental leave to be taken intermittently or consecutively, how does this work when OFLA and Paid Leave run at the same time?

Answer: While OFLA generally allows an employer to require parental leave to be taken as a consecutive block of time, failure to allow intermittent use of parental leave (taken in minimum full-day increments periodically while performing work when not taking leave) would violate Paid Leave requirements if the employee is taking Paid Leave.