

xenium



developing great employers



Human
Resources



Payroll



Group
Medical



Training



Optional Benefit
Programs

www.xeniumhr.com



Family Medical Leave

As a resource to our employees, this packet contains frequently asked questions regarding Oregon Family Leave in the event you may need leave based on your family and medical circumstances. The leave laws are complex, and this document is intended only as a brief overview. The state laws, rules, policies and collective bargaining agreements, rather than this document, govern the rights and obligations of employees and the Company. If you would like any further information on whether your particular circumstances qualify for a protected leave, please contact Human Resources.

Table of Contents

- What is Family Medical Leave?2
- Am I eligible for Family Medical Leave?.....2
- What are qualifying reasons to take leave?2
- What is considered a serious health condition?.....3
- How much leave am I entitled to?4
- Do I have to take my leave all at once?4
- What if I don't want to use OFLA leave?5
- How do I request OFLA leave?5
- What are my responsibilities as an employee?5
- What happens after I request OFLA leave?6
- What if I need to be absent for OFLA Sick Child Leave?6
- What if I have an on-the-job injury or illness?7
- Can I substitute paid leave for unpaid leave?7
- What happens to my job when I take OFLA leave?8
- How do I return to work?8
- What if I need to extend my leave beyond the OFLA entitlement?8

It's about people.

Developing meaningful relationships at every level to help organizations thrive.

What is Family Medical Leave?

The Oregon Family Leave Act (OFLA) entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons.

Am I eligible for Family Medical Leave?

To be eligible for a leave of absence under OFLA, you must have been employed by the Company for at least 180 days and worked an average of 25 hours per week (not counting paid leave) in the 180-day period immediately preceding the leave. The minimum of 25 hours worked requirement does not apply to OFLA used for the birth, adoption or foster placement of a child. If you require leave under the Oregon Military Family Leave Act (OMFLA) because your spouse or registered same-sex domestic partner is deployed or on leave from deployment in the Armed Forces, National Guard or military reserve forces, you must have worked an average of 20 hours per week.

What are qualifying reasons to take leave?

You may qualify for OFLA leave if one of the following situations applies:

- You have a serious health condition* that makes you unable to work
- You request time off to bond with or care for a newborn child, newly-adopted child, or newly-placed foster child –during the first year following the birth, adoption or placement (parental leave)
- You have to care for your spouse, son or daughter, parent, parent-in-law, grandparent, grandchild, registered same-sex domestic partner or child or parent of such partner with a serious health condition
- You need to care for a minor child (or an adult child incapable of self-care because of a disability) with a non-serious illness or injury who requires home care, provided another family member is not willing and able to care for the child (sick child leave)

It's about people.

Developing meaningful relationships at every level to help organizations thrive.

- You need leave to deal with the death of a family member by attending the funeral or alternative to a funeral of the family member, making arrangements necessitated by the death of the family member; or grieving the death of the family member. (Up to two weeks of OFLA leave may be used for this purpose, to be completed within 60 days of the date on which the employee receives notice of the death of a family member.)
- You need to take up to 14 days of unpaid leave when your spouse or registered same-sex domestic partner is deployed or on leave from deployment in the Armed Forces, National Guard or military reserve forces (covered under the Oregon Military Family Leave Act, OMFLA, which generally runs concurrently with OFLA)

**See next question for definition of a serious health condition*

What is considered a serious health condition?

The following conditions are considered a “serious health condition” for purposes of OFLA:

- Overnight stay in a hospital or other medical care facility
- Conditions that incapacitate you or your family member (for example, unable to work or attend school) for more than three consecutive calendar days and involve ongoing medical treatment (either multiple appointments with a health care provider, or a single appointment and follow-up care such as prescription medication)
- Chronic conditions that cause occasional periods when you or your family member are incapacitated and require treatment by a health care provider at least twice a year
- Pregnancy-related incapacity (including prenatal medical appointments, incapacity due to morning sickness, medically required bed rest, and incapacity following childbirth)
- A period of incapacity that is permanent or long-term due to a condition for which treatment is potentially ineffective. You or family member is under supervision of a health care provider, not necessarily receiving active treatment.

It's about people.

Developing meaningful relationships at every level to help organizations thrive.

Not all medical conditions are serious health conditions under OFLA. If you are unsure whether a medical condition qualifies for family leave, contact Human Resources for more information.

How much leave am I entitled to?

OFLA typically allow you to take up to 12 weeks off in a given 12-month leave year, although longer leaves are allowed in certain cases when pregnancy disability and parental leave are involved. Contact Human Resources for further details.

Do I have to take my leave all at once?

There are three different OFLA leave schedules:

- Continuous Leave: This type of leave is taken in a block of time, for example: 12 weeks of continuous leave following the birth of your child.
- Intermittent Leave: This type of leave is taken sporadically. For example: four days out of the month for you to care for a parent who has a serious health condition.
- Reduced Schedule Leave: This type of leave is where you work fewer hours than you normally would. For example: if you typically work an eight-hour day, a reduced schedule leave might allow you to work a six-hour day instead.

Parental leave (leave taken to bond with and care for a new child) must be taken in a single, continuous block of time, unless the Company approves intermittent or reduced schedule leave, and must be completed within one year of the birth, adoption, or foster child placement.

It's about people.

Developing meaningful relationships at every level to help organizations thrive.

What if I don't want to use OFLA leave?

If you are absent from work for a reason that qualifies as OFLA leave, you are required to provide notice to the Company, as described on the OFLA workplace poster, and the Company is likewise required to provide you various forms of eligibility and designation notices and maintain records of the tracking of your leave and any medical certifications obtained. The use of OFLA is a benefit to you, because the leave is protected and will not be counted against you, because it affords you job protection and reinstatement rights. Note that your OFLA leave is unpaid leave, but your use of paid leave may run concurrently with OFLA leave. Contact Human Resources for further details.

How do I request OFLA leave?

Complete the Medical Leave Request form and send it to your manager. If you have any questions, please contact your manager or Human Resources.

What are my responsibilities as an employee?

When the need for you to take leave is foreseeable, such as with the birth or adoption of your child, or a planned medical treatment, you must let your manager know, in writing, that you are requesting to take leave. For planned medical treatments, you must make every reasonable effort to schedule the treatment so that it does not disrupt Company operations.

If 30 days' notice is not practicable, such as a medical emergency or a change in circumstances, a verbal notice must be given as soon as the need arises, followed by a written notice to your manager.

We will require a medical certification for serious health conditions be provided in a timely manner. We will also require you to provide a fitness for duty release to return to work if you were on leave for your own serious health condition.

It's about people.

Developing meaningful relationships at every level to help organizations thrive.

You must turn in your completed medical certification within 15 calendar days of your receipt of the written request. If a medical certification is requested but not received, your leave may be denied.

An employee who intends to take military family leave must provide the Company with notice of their intention within five business days of receiving official notice of an impending call or order to active duty or of a leave from deployment.

What happens after I request OFLA leave?

After you request OFLA leave, you will receive paperwork which will include information on your rights, how to pay your benefits while on leave, and where to turn in your completed medical certification.

If you are required to provide a medical certification, we will include a copy of it with your paperwork for you to take to your doctor. We will use this information to determine if your reason for leave qualifies under OFLA. The medical certification must be returned to us within 15 calendar days of your receipt of the form and our request, or your leave may be denied, meaning that the absence will not be protected under OFLA and may be treated as a disciplinary occurrence under the Company's attendance policies.

Once we receive the completed Medical Certification, we will inform you if we need more information or if your leave qualifies as OFLA.

What if I need to be absent for OFLA Sick Child Leave?

OFLA Sick Child leave is part of your 12-week OFLA entitlement and may be used intermittently. Follow normal call-in procedures each time you need to be absent for OFLA Sick Child leave to care for your child under 18 years of age who has a non-serious health condition (e.g., flu, head cold, ear ache) and who requires home care. We may require you to provide a medical verification after the third time you take this type of leave within a leave year.

It's about people.

Developing meaningful relationships at every level to help organizations thrive.

What if I have an on-the-job injury or illness?

If your pending workers' compensation claim is denied, OFLA leave will be counted for your entire absence starting with the first day of leave, if your condition is also a serious health condition as defined by OFLA.

OFLA does not apply to periods of absence related to a compensable (accepted) workers' compensation claim. However, if you have a disabling compensable injury and refuse an offer of transitional work, OFLA leave will immediately begin if you meet eligibility requirements.

Can I substitute paid leave for unpaid leave?

If you are taking OFLA leave, you may be required to exhaust all paid vacation or paid time off (PTO) during the OFLA absence before using unpaid OFLA leave. Sick leave also runs concurrently with OFLA leave.

For example, if the Company provides six weeks of paid pregnancy disability leave, the six weeks will be designated as OFLA leave and counted toward your 12-week entitlement. You may then be required to substitute accrued (or earned) paid leave as appropriate before being eligible for unpaid leave for what remains of the 12-week entitlement. If you are taking leave for the adoption or foster care of a child, you may be required to use all paid vacation or personal prior to being eligible for unpaid leave.

You may be required to use all paid vacation, personal leave or sick leave (as long as the reason for the absence is covered by the Company's sick leave policy) prior to being eligible for unpaid leave when taking military caregiver leave.

It's about people.

Developing meaningful relationships at every level to help organizations thrive.

What happens to my job when I take OFLA leave?

Generally, you will be able to return to the same position at the conclusion of OFLA leave. If that position no longer exists, you have a right to return to any vacant position with equivalent status, pay, benefits and other employment terms.

How do I return to work?

You will need to keep in touch with your manager throughout your leave to provide updates on your status and your expected return-to-work date. If you went out on leave for your own serious health condition, then you may be required to provide a fitness for duty certificate from your doctor before returning to work. Notice of this requirement will be included in the paperwork the Company will provide to you.

What if I need to extend my leave beyond the OFLA entitlement?

If you're unable to return to work after your OFLA leave or cannot perform the essential functions of your job, you may request a leave extension which may either be continuous, intermittent or on a reduced schedule. If the extension does not impose an undue hardship on the Company and continuing the leave complies with the law, our policies, any applicable collective bargaining agreements, and reasonable accommodation provisions of the Americans with Disabilities Act Amendments Act (ADAAA), then we may grant you an extension to your leave. For more information and to apply for Personal Leave, please contact Human Resources.

It's about people.

Developing meaningful relationships at every level to help organizations thrive.

It's about people.

Developing meaningful relationships at every level to help organizations thrive.

7401 SW Washo Court, Suite 200 | Tualatin, Oregon 97062
503.612.1555 | info@xeniumhr.com | www.xeniumhr.com