



The Federal Family and Medical Leave Act (FMLA), the Oregon Family Leave Act (OFLA), and Paid Leave Oregon (PLO) are designed to support both employees and employers in managing workplace responsibilities alongside personal and family needs during qualifying leave events. These programs provide job protection and continuation of benefits during approved leave periods. Leave may be taken in a continuous block or on an intermittent basis, depending on the circumstances. Where legally permissible, FMLA, OFLA, and PLO leave will run concurrently.

Eligibility Requirements for Employees		
FMLA	OFLA	PLO
Employed for 12 months with Deschutes County. Worked at least 1,250 hours in the 12-month period preceding leave.	Worked an average of 25 hours per week in the 180-day period preceding leave.	Must have earned \$1,000 in wages in year prior to event and contributed to PLO through payroll deductions.

Paid Leave Oregon (PLO) is a state-administered paid leave benefit managed by the Oregon Employment Department. Employees seeking PLO benefits must apply directly through the state and are also required to submit a leave of absence request to the County.

Eligibility for PLO benefits is determined solely by the Oregon Employment Department, which will review applications and issue approval or denial decisions. PLO leave may only be used in full-day increments, meaning no work may be performed on the days for which leave is taken.

For more information and to apply for PLO benefits through the State of Oregon, please visit: <https://paidleave.oregon.gov>.

When leave is foreseeable, employees must submit a completed *Protected Leave Request Form* to the County **at least thirty (30) calendar days** prior to the anticipated start of leave. Additionally, employees applying for PLO benefits must notify the Oregon Employment Department within its established timeframes to avoid potential reductions in their approved benefit.

Use of Accrued Leave with Paid Leave Oregon (PLO)

Employees who take leave and are approved for Paid Leave Oregon (PLO) benefits by the State may choose to either retain their County-accrued leave balances or use a portion of their accrued paid leave. The amount of County leave that may be used is subject to a maximum based on the employee's regular work schedule and must comply with applicable laws. Employees must make their choice to use

accrued paid leave for each leave bank during the payroll period in which they intend to use the hours. Any period of absence during which no accrued leave is used will be considered an unpaid leave of absence.

Important Considerations for Employees Applying for PLO Benefits

Impact on Accrued Leave Earnings

Employees approved for PLO benefits will be considered on unpaid leave from Deschutes County for any period during which they are not using their own paid leave accruals. Accrued leave is not earned during unpaid leave hours.

Timing of PLO Benefit Payments

According to the Oregon Employment Department, a reasonable effort will be made to issue the first benefit payment within two weeks of claim approval. Employees will not receive their regular County salary while on PLO leave, even if their PLO benefit payment has not yet been received.

Effect on PERS Service Credit

PLO benefits are not considered subject salary for purposes of the Public Employees Retirement System (PERS). As a result, no contributions will be made to an employee's Individual Account Program (IAP). Additionally, PERS considers an employee to be on a leave of absence if they have unpaid leave for the "major fraction of a month," defined as 11 or more business days. Employees on unpaid leave for 11 or more business days in a month will not earn PERS service credit for that month.

Tax Implications

Employee contributions to PLO are deducted on an after-tax basis and do not reduce taxable income. PLO benefit payments are considered taxable income. Taxes are not automatically withheld from PLO benefits; however, employees may elect to have taxes withheld from their benefit payments.

Use of Accrued Leave When Leave Does Not Qualify for Paid Leave Oregon (PLO)

If an employee's leave does not qualify for Paid Leave Oregon (PLO) but is covered under another form of protected leave, the employee is required to exhaust all available accrued paid leave before transitioning to unpaid leave status.

In accordance with County policy, if an employee is on unpaid leave either the day before or the day after a holiday, the holiday will also be unpaid. Additionally, employees do not earn paid leave accruals for any period coded as unpaid leave, regardless of the reason.

Helpful Definitions and Protected Leave Entitlements

Bereavement Leave (OFLA)

Under the Oregon Family Leave Act (OFLA), eligible employees may take up to two weeks of protected leave per qualifying family member's death. This leave counts toward the total 12-week OFLA entitlement and may be used to attend funeral services, make necessary arrangements, or grieve the loss. Bereavement leave must be completed within 60 days of receiving notice of the death and may not exceed four weeks (2 weeks per occurrence) in any 12-month period.

Employees are required to use available paid leave accruals before taking unpaid leave, in accordance with Deschutes County's Leave Policy HR-14, unless otherwise specified in a Collective Bargaining Agreement (CBA). Employees covered by a CBA that includes paid bereavement leave must also apply for OFLA Bereavement Leave to allow Human Resources to determine whether both OFLA and contractual entitlements apply.

Pregnancy Disability and Parental Leave Entitlements

To the extent permitted by law, leave under OFLA, the Federal Family and Medical Leave Act (FMLA), and Paid Leave Oregon (PLO) will run concurrently. This may impact eligibility and the total duration of leave available.

Paid Leave Oregon (PLO)

Employees who are pregnant, have given birth, or have health needs related to childbirth may apply for PLO benefits through the Oregon Employment Department. Eligible employees may receive:

- Up to **12 weeks of paid leave** within a 52-week period, beginning on the first day of leave.
- An additional **2 weeks of paid leave** for pregnancy, childbirth, or pregnancy-related health needs.

Pregnancy Disability Leave (OFLA/FMLA)

Birthing parents who are medically unable to work due to pregnancy or postpartum recovery may qualify for protected leave under OFLA and FMLA as a serious health condition. If eligible, the birthing parent may receive up to **12 weeks of pregnancy disability leave**. Standard recovery periods range from **6 to 8 weeks postpartum**, depending on the type of delivery. The duration of leave is determined by a completed Health Care Provider Certification Form. If the employee qualifies for FMLA, OFLA pregnancy disability leave will run concurrently with FMLA.

Parental (Baby Bonding) Leave

Employees requesting parental leave under FMLA and/or PLO for bonding with a newborn are not required to submit a Health Care Provider Certification Form.

Definitions of Family Relationships

Child and Parent

The terms *child* and *parent* include *in loco parentis* relationships, where an individual assumes the responsibilities of a parent to a child.

Affinity

As defined in OAR 839-009-0210, *affinity* refers to a significant personal bond that, when considered in totality, resembles a family relationship. Indicators of such a bond may include, but are not limited to:

- Shared financial responsibilities (e.g., joint leases, property ownership, or liability for bills)
- Emergency contact designations
- History or expectation of caregiving
- Cohabitation and its duration/purpose
- Geographical proximity

- Other factors demonstrating a family-like relationship

This document provides a summary of protected leave entitlements. In all cases, applicable federal and state laws, administrative rules, County policies, and collective bargaining agreements govern the rights and responsibilities of both employees and Deschutes County. These laws are mandatory and require the County to provide entitlements when qualifying conditions are met.