

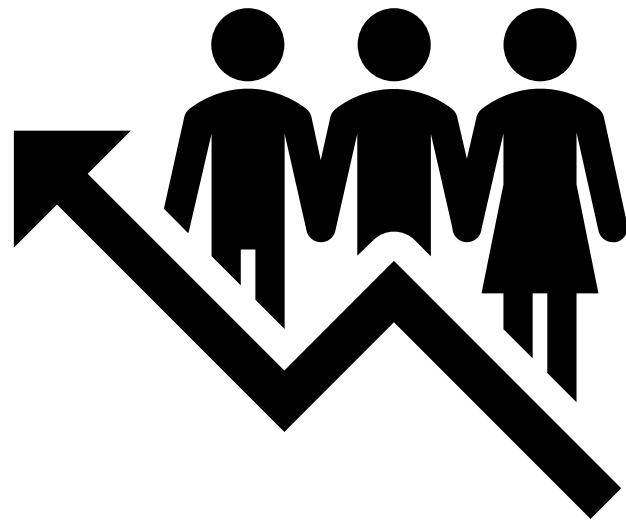


# Protected Leave Training for Supervisors

*FMLA | OFLA | Oregon Paid Family & Medical Leave (OPFML)*



**Oregon State**  
University



# Oregon Paid Family Medical Leave (OPFML)

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- Began September 3, 2023.
- Oregon Paid Family Medical Leave is available for family, medical and safe leave reasons. It does not cover bereavement or sick child leave.
- All employees are eligible to apply at date of hire, with no benefit waiting period, if they have a qualifying reason and earned \$1000 in any 4 of the last 5 quarters. The Standard will make the eligibility determination.
- Job protection begins at 90 days.

# OPFML Information

- Employees can take up to 12 weeks paid leave in a 52-week period (starting from the day their leave begins).
- Employees may be able to take up to 2 additional weeks (up to 14 total weeks) if they are pregnant, have given birth, or have health needs because of childbirth.
- There may be instances where eligibility for multiple leave programs do not align to run concurrently. Employees may qualify for multiple 12 week leave periods in one year.
- Employees can take a week or a single day off at a time based on their serious health condition needs.
- Intermittent Leave is allowed in minimum increments of full days.
- Employees should file claims within 30 days.
- The Standard has a calculator for employees to estimate their benefit payment amount based on their salary.

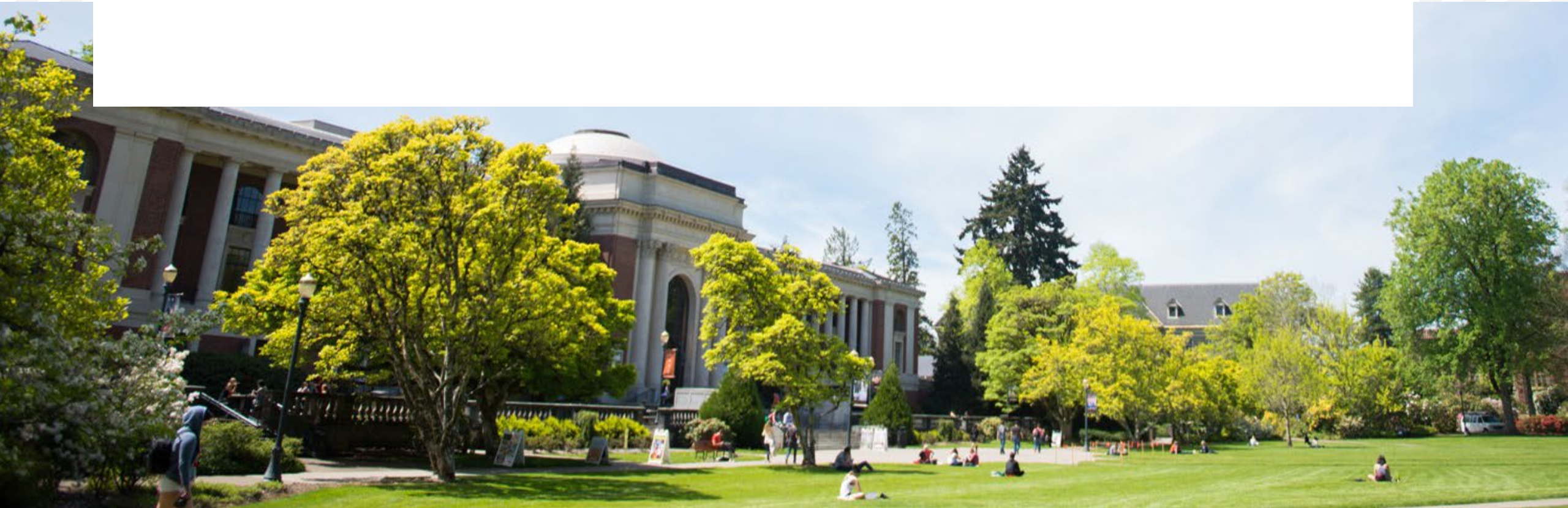
# Additional OPFML Information

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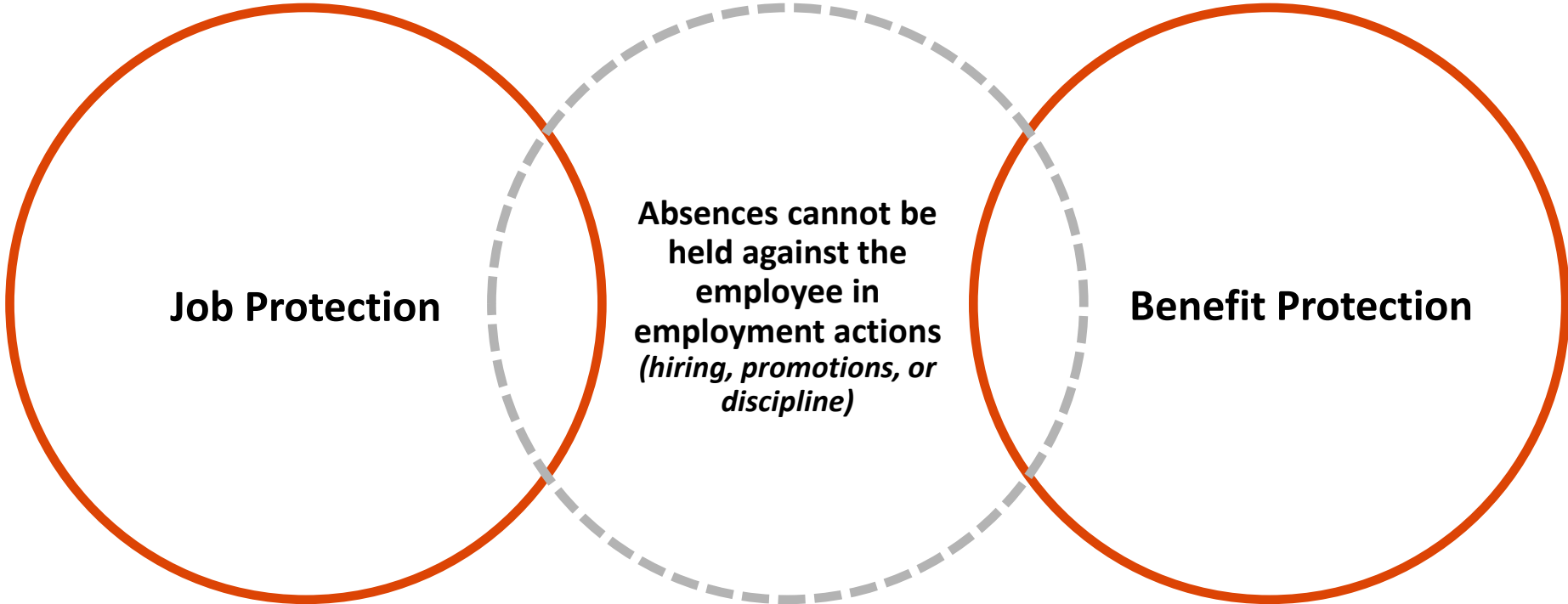
- Individuals become eligible after earning \$1000 in wages in any 4 of the last 5 quarters. Eligibility is based on an income threshold, and it is not time dependent.
- Employees receiving Workers' Compensation or Unemployment benefits are not eligible.
- If employees split work between states their eligibility depends on their primary place of work.
- OPFML gives employees the right to take incremental parental leave in full day increments. It is not based on the employer's decision.
- Employees are allowed to take their full leave and pay from OSU as well as draw their OPFML benefits if they choose to do so.
- Oregon PFML payments happen once a week. OSU pays once a month. Timesheets are processed before the end of the month. This means there may be pay adjustments in the proceeding months as payments are reconciled and leave is topped off.

## FMLA & OFLA are...

- Federal & State entitlements which provide up to 12 weeks of *unpaid* protected leave per leave year for eligible employees
- Intended to lessen the stress that an employee may feel if forced to choose between work and family during the time of a serious medical situation



# FMLA/OFLA Provide...



**Job Protection**

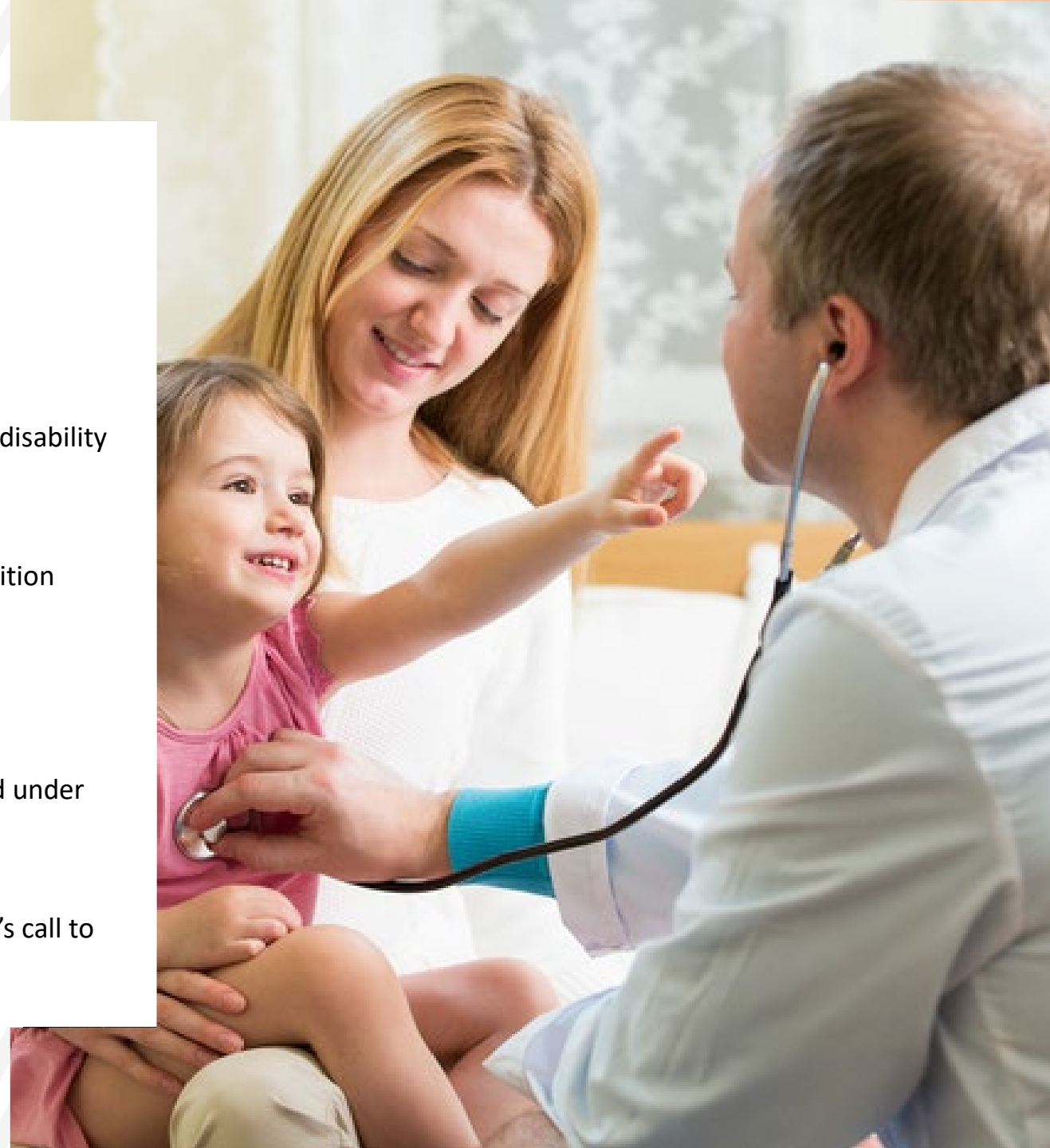
**Absences cannot be held against the employee in employment actions (hiring, promotions, or discipline)**

**Benefit Protection**



## What is a qualifying event?

- Employee's own serious health condition. Includes disability related to pregnancy or childbirth
- Care of a family member with a serious health condition
- Care for / Bonding with a newborn
- Bonding with a newly placed adopted or foster child under the age of 18 (or incapable of self-care)
- Qualified Exigency from a covered military member's call to active duty





# Who are qualifying family members?

## FMLA

### Spouse

### Son or Daughter (under age 18)

- *If 18 or older and incapable of self-care due to mental or physical disability*

### Parent

- *Can be individual who stood in loco parentis*

## OFLA & OPFML

### Spouse or Domestic Partner

**Child** (biological, adopted, stepchild, or foster child), your spouse or domestic partner's child, or the child's spouse or domestic partner

**Parent** (biological, adoptive, stepparent, foster parent, or legal guardian), the parent of your spouse or domestic partner, or your parent's spouse or domestic partner

**Sibling** or stepsibling or their spouse or domestic partner

**Grandparent** or your grandparent's spouse or domestic partner

**Grandchild** or your grandchild's spouse or domestic partner

Anyone you are related to by blood

Anyone who is connected to you and has a family relationship







## FMLA/OFLA PROTECTED LEAVE USAGE

- **May be taken continuously, intermittently, or by working a reduced schedule**
- **Generally, FMLA & OFLA run concurrently (& OPFML)**
- **Is unpaid, but OSU policy requires the use of paid leaves during protected leave (a couple exceptions apply)**
  - If an employee has an approved STD claim and is on approved FMLA/OFLA protected leave:
    - *The employee will be in unpaid status through the University while receiving disability benefits unless the employee elects to supplement their STD with other accrued leave (vacation, comp, etc.)*

# What Is The Process for Employees?



Employee requests a Protected Leave case in EmpCenter to initiate ALL forms of protected leave including Oregon Paid Family & Medical Leave.



Oregon based employees call The Standard to initiate Oregon Paid Family & Medical Leave (OPFML) claim.



Employees complete online form which indicates how they would like to be paid from OSU while on an OPFML claim

# Do's & Don'ts as a Supervisor



## DO

- Ask basic, **non-medical** information about an employee's absence to determine if it will require a referral to the protected leave office
- Example: "I need to determine if I need to refer you to the Protected Leave office"
  - Are you able to come to work?
  - Have you been hospitalized?
  - Have you seen a doctor or do you have an appointment to see one?
  - Do you know how long you will be out?



## DON'T

- ✘ Do not ask specific questions about the employee's medical condition
- ✘ Do not share private information about the employee's leave with others
- ✘ Do not count absences against employees in performance reviews, promotions or compensation decisions
- ✘ Do not say negative comments about FMLA/OFLA or an employee using leave



# Supervisor Responsibilities | Before Leave Begins

## Step 1:


Ask basic, non medical questions to determine if you should refer the employee to the OSU Protected Leaves office

## Step 2:

Refer employee to contact the Protected Leave office as soon as possible if you suspect there is a need for protected leave

## Step 3:

Contact the Protected Leave office if you are notified of any changes:

- Employee goes out on leave early
  - Employee does not return the day after their approved leave end date
  - Employee indicates that there has been a change in their status of leave
- 



# What to expect while your employee is in the FMLA/OFLA protected leave process:

## Step 1:


Employee should notify you of their leave needs; meaning expected duration and frequency of their leave.

## Step 2:

Our office will send a Supervisor Notice which will include the provisional approval while we await a completed medical certification from their provider. During this time, leave will be taken as needed.

## Step 3:

Once a completed medical certification is received, an official Approval & Designation Notice will be sent out from our office with the certified duration and frequency of the leave. If this changes during their leave, they are to notify you and our office as well as supply an updated medical certification form. We will then send out an updated Approval Notice.





# Supervisor Responsibilities | During Leave

## Each month:

Verify employee's reporting of protected leave on timesheet

Work with HR Service Center to ensure employee is accurately paid while on leave

## During intermittent leave:

Ensure employees follow normal call-in requirements

Clarify if absence is related to the protected leave or for another reason, if not clear on timesheet

## Restrictions:

If an employee has restrictions or needs an accommodation to return to work, work with EOA to determine reasonable accommodations under the ADA





## University Paid Family Medical Leave

- Eligible Professional Faculty & UAOSU Faculty can receive Paid Family and Medical Leave of 3 weeks paid by OSU.
- This can be used in conjunction with Oregon Paid Family & Medical Leave.
- This leave is intended for multiple family and medical leave reasons.
  - Example: An employee has a serious health condition and needs to take time off for treatment.
  - Example: An employee's qualifying family member has a serious health condition and needs care.
  - Example: An employee welcomes a new baby and needs parental leave.
  - An employee is taking protected leave for COVID-19 (working with a healthcare provider).





# Returning to Work

- Employee must work with their healthcare provider to determine appropriate date of return
- Employees are expected to perform essential functions of their position upon returning from leave
- We generally do not require a work release from the employee prior to returning from FMLA/OFLA leave, however their return date needs to align with the medical information received from their provider.







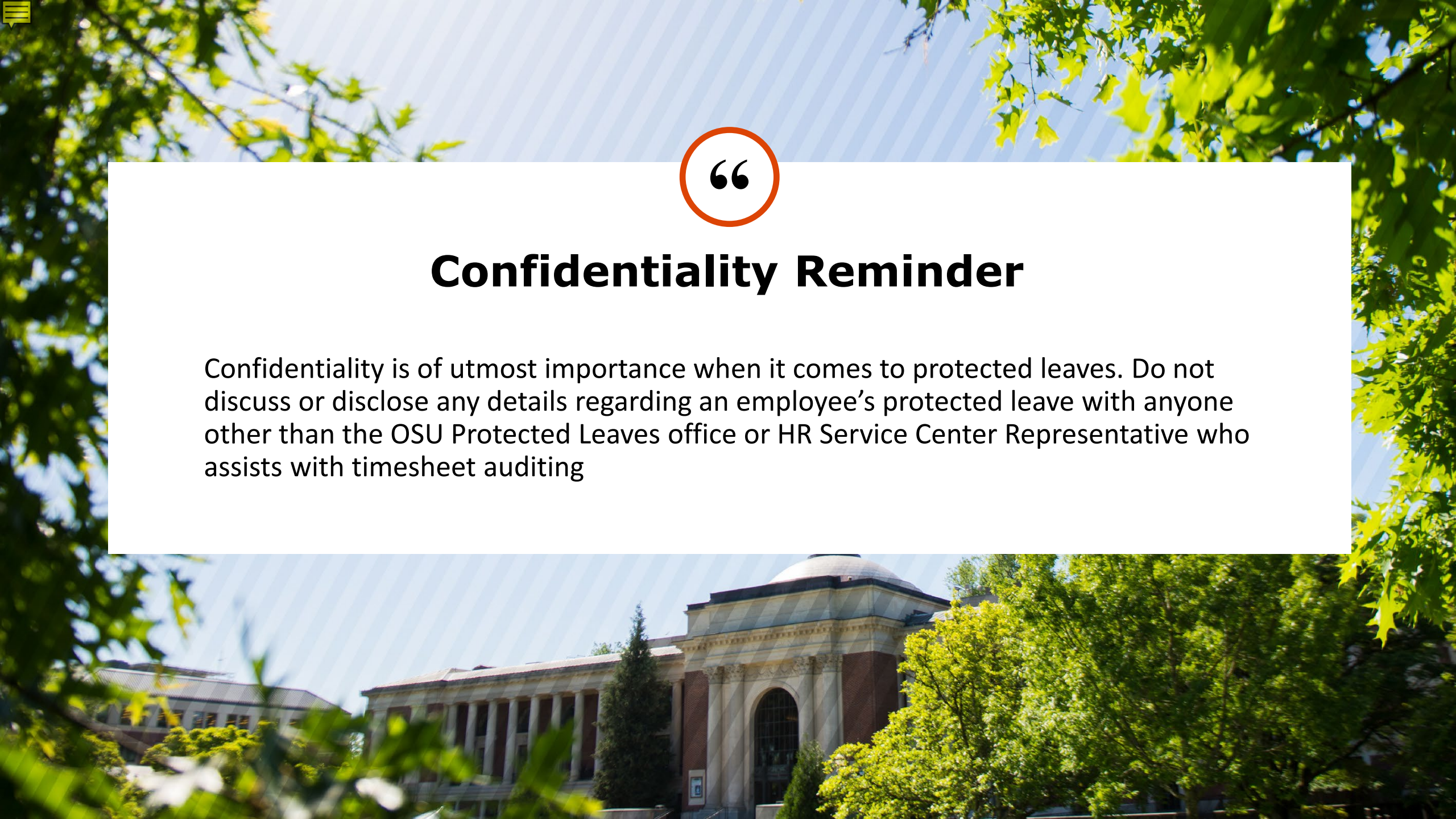
## **RESTRICTIONS ARE NOT PROTECTED UNDER FMLA/OFLA LEAVE LAWS**

The employee must work with the Office of Equal Opportunity and Access if they have restrictions during their leave or upon their return to determine if reasonable accommodations can be made



## **Confidentiality Reminder**

Confidentiality is of utmost importance when it comes to protected leaves. Do not discuss or disclose any details regarding an employee's protected leave with anyone other than the OSU Protected Leaves office or HR Service Center Representative who assists with timesheet auditing



# Questions?

Please reach out to our office after  
the presentation at:

[medical.leave@oregonstate.edu](mailto:medical.leave@oregonstate.edu)

# Referrals

If you think an employee may have a need for protected leave, please refer them to our office.

Email: [medical.leave@oregonstate.edu](mailto:medical.leave@oregonstate.edu) | Phone: 541-737-5946

## **Whitney Brown | HR Officer – Protected Leaves**

FMLA/OFLA Protected Leaves, Military Leaves, Graduate Leaves, Post-Doc Leaves, Disability Claims, & OPFML Claims

## **Lori Schmidt | HR Officer – Protected Leaves**

FMLA/OFLA Protected Leaves, Military Leaves, Graduate Leaves, Post-Doc Leaves, Disability Claims, & OPFML Claims

## **David Parrish | Paid Leave Specialist**

Timesheet/OSU pay related questions while on leave



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