

Requesting Family and Medical Leave

An employee must follow agency procedures to request leave.

Thirty days advance notice is generally required for a planned absence under FMLA and OFLA. In the event of an emergency, an employee should contact their supervisor or the agency's human resource office as soon as possible.

Depending on the leave type, an agency may require an employee to provide appropriate certification verifying the need for leave.



Resources:

- State HR Policy 60.000.15, Family and Medical Leave
(<https://oregon.gov/das/Policies/60-000-15.pdf>)
- Your Collective Bargaining Agreement
- DAS CHRO Family Medical Leave Toolkit
(<https://www.oregon.gov/das/HR/Pages/FMLA.aspx>)

Posted in your work area:

- Oregon Family Leave Act, Notice to Employers and Employees
- U.S. DOL Employee Rights Under the Family and Medical Leave Act



For more information, contact:

Your supervisor,
Your agency director
or your
human resource office

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Understanding Family and Medical Leave

Federal and state laws protect an eligible employee's absence from work under certain conditions.

ENTITLEMENT AND PURPOSE

Under both FMLA and OFLA

Under most circumstances, an eligible employee is allowed up to 12 weeks of FMLA and OFLA leave for Parental leave, or to tend to the employee's own serious health condition or the serious health condition of the employee's spouse, parent or child under 18 years of age.

Also under FMLA

An employee may use the 12-week entitlement for FMLA Qualifying Exigency leave resulting from an employee's spouse, parent or child's (no age limit) call to active duty in the military.

An employee is allowed up to 26 weeks of FMLA Military Caregiver leave to care for the employee's spouse, parent, child or next of kin who is a covered service member who has a serious illness or injury incurred in the line of duty on active duty.



Also under OFLA

OFLA also allows an employee to use their 12-week entitlement to tend to the serious health condition of their child of any age (or their child's spouse/domestic partner), parent (or parent's spouse/domestic partner, or parent-in-law), grandparent (or grandparent's spouse/domestic partner), grandchild (or grandchild's spouse/domestic partner), sibling (or step sibling, or sibling/step sibling's spouse/domestic partner), or any individual related by blood or affinity whose close association with a covered individual is the equivalent of a family relationship, or to tend to their child under 18 with a non-serious health condition requiring home care.

An eligible employee who takes any amount of OFLA leave for pregnancy disability may take up to 12 weeks of additional OFLA leave for any OFLA purpose.

An eligible employee using 12 weeks of OFLA Parental leave may take up to another 12 weeks of leave under OFLA to care for a sick child with a non-serious health condition.

OFLA also allows an employee to use their 12 week entitlement for OMFLA Military Family leave (up to 14 days per deployment) which is leave an employee may take when their spouse or domestic partner is notified of an impending call; ordered to active military duty or on active duty; before deployment, or during respite from active duty during deployment.

ELIGIBILITY

Federal Family and Medical Leave Act (FMLA)

An employee must work for Oregon state government 12 months (with no more than a seven-year break in service) and work 1250 hours during the 12-month period immediately preceding the leave.

Oregon Family Leave Act (OFLA)

Parental leave:

Employee must work for Oregon state government at least 180 calendar days immediately preceding the date the leave begins.

Serious health condition, Sick Child leave, or Bereavement:

Employee must work 180 calendar days (described above) and have worked an average of 25 hours per week.

OMFLA Military Family leave: Must work an average of 20 hours per week (no 180-day requirement).

During a public health emergency:

Employees employed 30 or more days and have worked at least an average of 25 hours a week during the 30 days are eligible for any OFLA qualifying condition.