

# Electronic Alert

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## OED Finalizes Paid Leave Oregon Rules Regarding Benefits

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This week, the Oregon Employment Department (“OED”) announced the adoption of eight permanent rules and one rule amendment that relate to benefits received under Paid Leave Oregon. As a reminder, Paid Leave Oregon is a family, medical, and sick leave insurance program that was created to provide eligible employees compensated time off from work for qualifying reasons. Contribution requirements under Paid Leave Oregon begin January 1, 2023, and benefits begin September 3, 2023.

Here are some key highlights from the new benefits rules:

**Written Notice Poster to Employees of Rights & Duties:** Employers are required to post a notice detailing employees’ rights and duties under Paid Leave Oregon. The newly finalized rules clarify that employers must display this notice in each of the employer’s buildings or worksites in an area that is accessible to and regularly frequented by employees. For employers with remote employees, employers must provide, by hand delivery, regular mail, or through an electronic delivery method, a copy of the notice poster to each employee assigned to remote work, upon that employee’s hire or assignment to remote work.

**Employee Job Protections:** Eligible employees who have been employed by the employer for at least 90 consecutive calendar days prior to taking leave under Paid Leave Oregon are entitled to certain job protections. However, employers’ obligations depend on whether they are a “small” or “large” employer. Additionally, employers must maintain any health care benefits the employee had prior to taking their leave, for the duration of their leave, as if the employee was employed continuously during the period of leave.

**Initial & Amended Monetary Determinations:** OED will notify the claimant of its initial determinations regarding the claimant’s eligibility and weekly benefit amount. Claimants may request OED’s determination be amended. Upon receipt of such a request, the department will investigate by examining records of wages and income submitted to the department by the claimant, employers, and state agencies in an attempt to verify the information.

**Penalties for Employer Misrepresentations:** OED may assess a civil penalty of up to \$1,000 each time an employer makes or causes a willful false statement or willful failure to report a material fact regarding the claim of an eligible employee or regarding an employee’s eligibility for

benefits. In determining whether to assess a penalty, the director may consider a variety of mitigating and aggravating circumstances.

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