



Electronic Alert

Volume 26, Issue 8

March 17, 2023

Paid Leave Oregon: Are You Ready for Q2?

By Amy Angel & Stacie Damazo

Certain Paid Leave Oregon requirements became effective on January 1, 2023, such as contribution and model notice requirements. With the end of Q1 fast approaching, we want to make sure employers of all sizes are on the right track. Below are upcoming deadlines to keep in mind as you continue to prepare for Paid Leave Oregon benefits to begin on September 3:

March 31, 2023: Deadline to Remedy Failure to Deduct Employee Contributions in Q1

Paid Leave Oregon is funded through employee and employer contributions. Unless an employer has applied for an Equivalent Plan, submitted a Declaration of Intent, or elected to pay the employee portion of the contribution requirement, employers of all sizes must be withholding contributions from their Oregon employees' pay. Employers who fail to properly withhold the employee portion of the contribution are liable to pay those amounts unless they correct that failure within the same quarter.

May 31, 2023: Deadline to Apply for an Equivalent Plan that is Effective September 3, 2023

Employers that intend to apply for an Equivalent Plan that is effective when benefits under Paid Leave Oregon begin on September 3 must do so by May 31, 2023. This deadline also applies to employers that have alternatively opted to file a Declaration of Intent (DOI). Employers that have filed a DOI, but that fail to ensure the OED receives their Equivalent Plan application by May 31, will be liable for the sum of all unpaid employer and employee contributions due, as well as penalties and interest.

July 5, 2023: Deadline to Modify OFLA & FMLA Leave Years

Under Paid Leave Oregon, the benefit year is forward-looking. To the extent an employer's current OFLA or FMLA leave policy uses a backward-looking benefit year, protected leave may not run concurrently when it otherwise could. To change the leave year under OFLA or FMLA, the employer must give employees 60 days' notice. In anticipation of Paid Leave Oregon benefits beginning on September 3, 2023, employers should review whether they want to make a change to their OFLA or FMLA leave year and provide that notice to all employees by July 5, 2023.

For questions on compliance with Paid Leave Oregon-related policy updates, decision-making, or advice, contact Amy Angel at (503) 276-2195 or aangel@barran.com, or Stacie Damazo at (503) 276-2121 or sdamazo@barran.com.