

ADMINISTRATIVE RULE REVIEW

Adopt New Rule Permanent Rule	Rule No. PFMLI Draft #20210109	
	Page Page 1 of 1	Last Revised Date December 30, 2020
	NOTICE OF INTENDED ACTION	
	Bulletin Dated	Hearing Scheduled

PURPOSE: This rule clarifies the use of other paid leave in addition to paid family and medical leave benefits from an equivalent plan, including paid sick leave, vacation leave, workers' compensation, and unemployment benefits.

1 **PFMLI Draft #20210109**

2 **Employer Equivalent Plans – Use of Other Paid Leave Benefits**

3 (1) An employee may receive paid sick time benefits pursuant to ORS 653.606 in addition to benefits
 4 paid under an approved employer's equivalent plan.

5 (2) An employer with an approved equivalent plan may allow an employee to use paid sick time,
 6 vacation leave, or any other paid leave earned by the employee in addition to receiving paid family and
 7 medical leave benefits under an employer equivalent plan to replace an employee's wages up to 100
 8 percent of the employee's average weekly wage during a period of leave taken for family leave, medical
 9 leave or safe leave.

10 (3) In any week in which an employee is eligible to receive workers' compensation or unemployment
 11 benefits under ORS chapter 656 or 657, the employee shall not receive family and medical leave
 12 insurance benefits under an employer equivalent plan.

13 **Stat. Auth.:** ORS 657B.210, 657B.340

14 **Stats. Implemented:** ORS 657B.210, 657B.030