

Oregon Adopts Emergency Leave Rule, Mandating Up to 12 Weeks of Protected Leave

By Mark A. Crabtree

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Meet the Authors



Mark A. Crabtree

Office Managing Principal and
Office Litigation Manager
(503) 229-0404
Mark.Crabtree@jacksonlewis.com

Related Services

COVID-19

Disability, Leave and Health
Management

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Under a [temporary administrative order](#), effective March 18, 2020, Oregon employees may be absent for up to 12 weeks, on a continuous or intermittent basis, because the employee's child's school or place of care has been closed by public authorities, including out of concerns related to the coronavirus (COVID-19) outbreak.

Previously, Oregon employers were required to allow employees up to 40 hours of sick leave for this reason. The temporary administrative order expands employee rights under the Oregon Family Leave Act (OFLA) and means lengthier absences are protected.

Additionally, OFLA's reinstatement obligations, which generally exceed the requirements of federal law, apply to employees who take leave as a result of the closure of the employee's child's school. Further, because employees are entitled to use any accrued leave, over and above any Oregon Sick Leave allotment, during an OFLA-covered absence, employees will have the option of exhausting their paid time off (PTO) and vacation banks during a period of leave. This new rule will remain in place through September 13, 2020, if not extended.

In adapting to the emergency rule, Oregon employers should consider the impact of pending federal legislation related to paid family and medical leave and paid sick leave. Please contact Jackson Lewis attorneys for additional information on this and other workplace issues.