



March 19, 2020

Dunn Carney LLP News Release: BOLI Temporarily Expands OFLA to Cover Employees Who Care for Children Affected by School, Childcare Closures

On March 18, 2020, the Oregon Bureau of Labor and Industry (“BOLI”) temporarily expanded the use of the Oregon Family Leave Act (“OFLA”) to allow employees to use OFLA when caring for their child during the state-ordered public school closure. This temporary rule was enacted in response to Governor Brown’s statewide school closure, part of the state’s efforts to slow the spread of COVID-19. Currently, schools are to remain closed until April 28, 2020.

Eligible employees may use OFLA “to care for their child whose school or place of care has been closed in conjunction with a statewide public health emergency declared by a public health official.” BOLI said the temporary rule is necessary to implement the social distancing protocol consistent with mitigation strategies recommended by the Centers for Disease Control and Prevention (CDC), required by the Governor and the Public Health Director to prevent and alleviate the public health threat posed by COVID-19.

The temporary rule is effective immediately and is set to expire on September 13, 2020.

The OFLA covers only employers with 25+ employees. In order to be eligible for leave, an employee must have been employed for at least 180 days and also work at least an average of 25 hours a week during the 180 days before leave begins. Employees are entitled to a maximum of 12 weeks of leave.

Note: On March 18, 2020, Congress passed the Families First Coronavirus Response Act, which takes effect in 15 days. Under this new law, employers with less than 500 employees will have new paid leave obligations. We will update this release to address the interplay of these two laws in the near future.

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