

Leaves, Leaves Everywhere and Not a Rake in Sight!

It sure can seem that way due to recent changes in the Oregon Family Leave Act (OFLA) and Family and Medical Leave Act (FMLA). In addition, Oregon employers of six or more employees are now required to provide a new kind of leave for eligible employees to deal with issues arising from being the victim of certain crimes.

Governor Kulongoski, the Legislature, and Labor Commissioner Dan Gardner are of like minds when it comes to the needs of Oregon victims of domestic violence, sexual assault and stalking as evidenced by the signing of Executive Order No. EO 07-17 and the enactment of Oregon Revised Statutes (ORS) 659A.270-285, the Oregon Victims of Certain Crimes Leave Act, (OVCCCLA), applicable to public and private employers.

The Act allows for time off for employees to piece their lives back together when the trauma of sexual assault, stalking or domestic violence strikes them, their children or dependents. The leave is designed to allow the employee the opportunity to address health and safety concerns, to obtain medical treatment, services from victim service providers, or legal assistance, to access counseling, or to make their home safe or relocate.

The Bureau of Labor and Industries Civil Rights Division (CRD), has enforcement authority for the leave and its anti discrimination provisions. CRD “raked together” rules OAR 839-009-0325 - OAR 839-009-0365, to assist employers in administering this new leave. The rules include familiar leave law terms such as “covered employer” and “eligible employee” and define terms like “victim of domestic violence, stalking or sexual assault.” There are similarities in coverage requirements between OFLA, FMLA and OVCCCLA as well as differences too numerous to list here.

OVCCCLA leave benefits the employer as well as the employee because employees who can keep themselves and family members safe and who can deal with health and housing needs without fear of losing their income, will be better able to focus on their job duties.

The leave, with certain exceptions, need not be paid and is to be “reasonable” which means not causing an undue hardship on the employer’s business.

For more information about the Oregon Victims of Certain Crimes Leave Act please plan to attend one of our seminars being held in Portland on April 29, May 20, and June 12. For registration information visit our website at www.oregon.gov/BOLI/TA or call Technical Assistance at (971)673-0824.