

**RESOLUTION 25-011**

**Approval of Amended Board Policy  
GCBDA/GDBDA –Family and Medical Leave**

**Background:** There continues to be significant changes in Oregon law regarding leave. This includes changes from SB 1515 (2024) and numerous rule changes to match.

The biggest change governs what conditions qualify for leave taken through the Oregon Family Leave Act (OFLA) and Paid Family and Medical Leave Insurance (PFMLI). While these leave allotments used to run concurrently in many situations, they now cannot be taken concurrently.

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**WHEREAS**, the Multnomah Education Service District Board of Directors Policy Committee reviewed and discussed Board Policy GCBDA/GDBDA – Family and Medical Leave.

**WHEREAS**, the Multnomah Education Service District Board of Directors Policy Committee recommends the Board adopt amended Board Policy GCBDA/GDBDA – Family and Medical Leave.

**NOW THEREFORE BE IT RESOLVED**, that Board Policy GCBDA/GDBDA – Family and Medical Leave is approved for first reading as written or as further modified.

**BE IT FURTHER RESOLVED**, that if no further discussion is required, Board Policy GCBDA/GDBDA – Family and Medical Leave is approved as proposed and does not require a second reading.

# Multnomah Education Service District

Code: GCBDA/GDBDA  
Adopted: 1/18/11  
Revised/Readopted: 8/14/13; 4/15/14; 2/18/25

## Family and Medical Leave

The MESD will comply with all provisions of the:

1. Family and Medical Leave Act (FMLA) ~~of 1993~~;
2. Oregon Family Leave Act (OFLA) ~~of 1995~~;
3. Military Family Leave Act as part of the National Defense Authorization Act of 2008 and for Fiscal Year 2010;
4. Paid Family and Medical Leave Insurance (PFMLI)
5. Oregon Military Family Leave Act ~~of 2009~~; and
6. Other applicable provisions of Board policies and negotiated agreements regarding family medical leave.

In order for an employee to be eligible for family leave benefits under ~~federal law~~ FMLA, ~~he/she~~ **the employee** must have been employed by the MESD for at least 12 months and have worked at least 1250 hours during the past 12-month period, and works at a worksite that employs 50 **or more** ESD employees within 75 miles of the worksite.

In order **for an employee** to be eligible **for benefits** under OFLA ~~state law~~, the employee must work an average of 25 hours per week and have been employed at least 180 days **immediately** prior to the first day of the ~~family-medical~~ **requested** leave of absence. **Special requirements apply during public health emergencies.**

**OMFLA applies to employees who work an average of at least 20 hours per week; there is no minimum number of days worked when determining an employee's eligibility for OMFLA.**

**Federal and state leave entitlements generally run concurrently.**

**PFMLI is generally available to ESD employees who have earned \$1,000 in subject wages or taxable income during the alternate or base years<sup>1</sup>, contributed to the PFMLI fund in the alternate or base years and are otherwise eligible.<sup>2</sup> PFMLI can be taken for family leave, medical leave or safe leave.<sup>3</sup>**

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<sup>1</sup> The wages are not required to have been earned for work in the ESD.

<sup>2</sup> See OAR 471-070-1010 for additional information.

<sup>3</sup> **Time to effectuate the legal process for the placement of a child in foster care or a child being adopted qualifies for PFMLI starting January 1, 2025. Until then, leave is available through OFLA. {See SB 1515 (2024) Sections 4, 13, 21 and 25.}**

Federal and state leave entitlements generally run concurrently. Leave taken under OFLA and PFMLI cannot be taken currently; however, OFLA leave may run concurrent with sick time (ORS 653) or other types of leave if provided by the district. Any leave taken under PFMLI must be taken concurrently with any leave taken under FMLA.

The superintendent or designee will develop administrative regulations as necessary for the implementation of the provisions of both federal and state law.

END OF POLICY

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**Legal Reference(s):**

[ORS 657B.010](#)  
[ORS 657B.025](#)  
[ORS 659A.090](#)

[ORS 659A.093](#)  
[ORS 659A.096](#)  
[ORS 659A.099](#)

[ORS 659A.150 - 659A.186](#)  
[OAR 839-009-~~0200~~0210 - ~~0320~~0460](#)

~~Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2017); 28 C.F.R. Part 35 (2017);~~  
Family and Medical Leave Act, 29 U.S.C. §§ 2601-2654; 5 U.S.C. §§ 6381-6387 (~~2012~~2018); Family and Medical Leave Act, 29 C.F.R. Part 825 (~~2017~~2023).  
Americans with Disabilities Act, 42 U.S.C. §§ 12101-12133 (2018); 29 C.F.R. Part 1630 (~~2019~~2023); 28 C.F.R. Part 35 (~~2019~~2023).  
Escriba v. Foster Poultry Farms, Inc. 743 F.3d 1236 (9<sup>th</sup> Cir. 2014).  
[Senate Bill 1515 \(2024\)](#).

**MESD Policy Cross Reference(s):**

AC - Non-Discrimination  
ACA - Americans with Disabilities Act  
GAB - Position Descriptions  
GB - Personnel Policies  
GBE - Staff Health and Safety  
GCBD - Leaves and Absences  
GCBDB - Return to Work