

# OSBA Model Sample Policy

Code: GCBDA/GDBDA  
Adopted:

## Family Leave \* (Version 2)

When applicable, the district will comply with the provisions of the Family and Medical Leave Act (FMLA), the Oregon Family Leave Act (OFLA), the Oregon Military Family Leave Act (OMFLA), Paid Family and Medical Leave Insurance (PFMLI) and other applicable provisions of state and federal law, Board policies and collective bargaining agreements regarding family medical leave.

In order for an employee to be eligible for the benefits under FMLA, the employee must have been employed by the district for at least 12 months, have worked at least 1,250 hours during the past 12-month period and worked at a worksite that employs 50 or more district employees within 75 miles of the worksite.<sup>1</sup>

Generally, in order for an employee to be eligible for the benefits under OFLA, the employee must work an average of 25 hours or more per week during the 180 calendar days immediately prior to the first day of the start of the requested leave. 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.

PFMLI is generally available to district employees who have earned \$1,000 in subject wages or taxable income during the alternate or base years<sup>2</sup>, contributed to the PFMLI fund in the alternate or base years and are otherwise eligible.<sup>3</sup> PFMLI can be taken for family leave, medical leave or safe leave.<sup>4</sup>

Leave taken under OFLA is in addition to leave taken under PFMLI and cannot be taken concurrently; however, OFLA leave or PFMLI may run concurrently with other leave available under ORS 653.601 - 653.661 and other types of leave if provided by the district.

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):

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<sup>1</sup> While the district is subject to FMLA, the district does not have any eligible employees. Consequently, FMLA eligibility language has been omitted from this policy and the accompanying administrative regulation.

<sup>2</sup> The wages are not required to have been earned for work in the district.

<sup>3</sup> See OAR 471-070-1010 for additional information.

<sup>4</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.)

[ORS 332.507](#)  
[ORS 657B.010](#)  
[ORS 659A.090](#)

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

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

Family and Medical Leave Act, 29 U.S.C. §§ 2601-2654; 5 U.S.C. §§ 6381-6387 (2018); Family and Medical Leave Act, 29 C.F.R. Part 825 (2023).

Americans with Disabilities Act, 42 U.S.C. §§ 12101-12133 (2018); 29 C.F.R. Part 1630 (2023); 28 C.F.R. Part 35 (2023).

Escriba v. Foster Poultry Farms, Inc. 743 F.3d 1236 (9<sup>th</sup> Cir. 2014).

Senate Bill 1515 (2024).