

BENCO
Personnel Manual

OREGON FAMILY LEAVE ACT ELIGIBILITY (OFLA)

To be eligible for OFLA, the employee must have worked for Benco for a period of 180 calendar days and an average of 25 hours a week (except for pregnancy disability leave, when no weekly average is required) immediately preceding the date OFLA leave begins.

AMOUNT OF LEAVE THE EMPLOYEE IS ENTITLED TO:

The employee is entitled to 12 weeks of leave during a 12-month period if the employee meets the eligibility requirements in a benefit year. Benco defines a benefit year as a one-year period of 52 consecutive weeks beginning on the Sunday immediately before the date on which the employee's leave begins.

CAN THERE BE MORE THAN ONE QUALIFYING CONDITION:

- Employees that are eligible for pregnancy disability leave, and/or home care leave could be allowed up to a total of 24 weeks of OFLA leave and PLO. However, OFLA and PLO leave cannot be taken simultaneously, but can be taken consecutively if eligible.

REASON FOR LEAVE:

- Home care for the employee's child: Both serious and non-serious health conditions as well as school and childcare closures for public health emergencies. Home care leaves counts towards the basic 12 weeks of leave available under OFLA. OFLA will no longer provide additional home care for the employee's child for employees who take 12 weeks of parental leave under Paid Leave Oregon.
- Bereavement: Employees are allowed up to 4 weeks of bereavement leave in a one-year period. This leave counts towards the basic 12 weeks of leave available under OFLA. Bereavement leave is further limited to two weeks per family member with a maximum of four weeks in a given leave year. Bereavement leave is defined as leave to deal with the death of a family member by attending the funeral or alternative to a funeral, making arrangements necessitated by the death, or grieving. The definition of a family member under OFLA is any family member or any individual related by blood or affinity whose close association with an employee is the equivalent of a family relationship.
- Pregnancy disability leave: Defined as leave before or after the birth of child or for prenatal care. Pregnancy disability leave provides up to 12 weeks of pregnancy disability leave in addition to 12 weeks for any reason listed here.
- Military family leave: Employees are allowed up to 14 days if the employee's spouse or domestic partner is a service member who has been called to active duty or is on leave from active duty. Military family leave will continue to count against available OFLA.

- Foster Care and Adoption: From July 1, 2024, through January 1, 2025, OFLA will also provide up to two additional weeks of leave to facilitate the legal processes required for placement of a foster child or adoption. Paid Leave Oregon will incorporate this leave beginning in 2025.

IF AN EMPLOYEE DOES NOT WANT TO USE OFLA LEAVE:

- If any employee is eligible for OFLA leave and is absent from work for a reason that qualifies as OFLA leave, Benco has no choice but to designate that absence as OFLA leave. The amount of paid leave the employee has accrued or the employee's desire to "save OFLA leave until later" are not a factor. OFLA is not a benefit. OFLA is an entitlement that must be applied as the need occurs.

THERE ARE 3 TYPES OF OFLA LEAVE SCHEDULES:

- The following leave schedules only apply to Pregnancy Disability Leave.
 - Continuous leave: leave taken in a block of time. For example, the employee can take six weeks of leave at once.
 - Intermittent leave: leave taken sporadically. For example, the employee misses five days of work a month. If the employee is a part-time employee, their leave entitlement is pro-rated. For example, if the employee normally works 30 hours per week, the employee is entitled to up to 12 weeks of leave at 30 hours per week. Leave taken on an intermittent basis is calculated by the hours. If the employee is a full-time employee working 40 hours per week, the employee is entitled to up to 480 hours of leave. A part-time employee's hourly entitlement is pro-rated. For example, if the employee normally works 30 hours per week, the employee's entitlement is 360 hours.
 - Reduced schedule leave: Leave taken where the employee is scheduled to work less than their normal work hours in a day or week. For example, the employee normally is scheduled to work 8 hours a day, instead works six hours and takes the remaining two hours as OFLA leave.

TO REQUEST OFLA LEAVE:

- Employees must contact the Personnel Director as soon as the employee is aware of a qualifying condition that meets the need for OFLA leave as mentioned above.

ONCE AN EMPLOYEE HAS REQUESTED OFLA LEAVE:

- When an employee has requested leave, Benco will notify the employee within five business days if the employee is eligible for the leave entitlement.

DO EMPLOYEES GET PAID WHILE ON OFLA LEAVE:

- OFLA leave is an unpaid leave. If an employee has sick time and/or vacation time the employee must use their sick and vacation time while on OFLA leave. The employee must use their sick time first and vacation time next before going into unpaid OFLA leave.

- All paid and unpaid leave used for OFLA purposes counts against the employee's OFLA leave entitlement.

DOES THE EMPLOYEES HEALTH INSURANCE CONTINUE:

- Under OFLA leave, if the employee uses any amount of OFLA leave, Benco continues to pay part of the premium for the employee's medical, vision, dental and employee-only basic life insurance. If the employee normally pays a portion of the premiums for their health insurance, the employee must continue timely payments during the period of OFLA leave to avoid cancellation either through payroll deduction or check.
- If the employee does not return to work following the OFLA leave, the employee may be required to reimburse Benco for the full premium cost of health care coverage paid on the employee's behalf, unless a recurrence of the employee's own serious health condition, continuation, or serious illness or injury of a covered service member occurs or the reason for not returning is beyond the employee's control.

WHAT HAPPENS WHEN THE EMPLOYEE RETURNS TO WORK:

- If the employee is returning from OFLA leave, the employee has a right to be restored to the position they held prior to their OFLA leave. If the employee's position was eliminated through a layoff process, the employee must be treated as if they were not on OFLA leave and must be treated the same as similarly situated employees according to Benco policy. If the employee is unable to perform an essential function of their position and reasonable accommodations are not appropriate the OFLA leave job protection ends. The employee may be subject to termination under an applicable law, rule or Benco policy.

Approved By: Julie Hansen
Julie Hansen, Benco Board President

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