

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 parental 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. Benco determines the leave as a 12-month period beginning with the date that the employee's first OFLA leave begins.

CAN THERE BE MORE THAN ONE QUALIFYING CONDITION:

- Employees may need FMLA/OFLA leave for more than one qualifying condition or purpose at the same time or in the same leave year. Having more than one qualifying condition does not extend the amount of the employee's leave entitlement, except for female employees who are eligible for pregnancy disability leave.
- Females that are eligible for pregnancy disability leave, parental leave and/or sick child leave are allowed up to 36 weeks of OFLA leave.

REASON FOR LEAVE:

- To recover from or seek treatment for the employee's own serious health condition that renders him or her incapacitated. This includes pregnancy related disability and absence for prenatal care.
- To tend to the serious health condition of the employees:
 - Spouse or same-sex domestic partner as defined under Oregon state law.
 - Parent: the employee's biological or adoptive mother or father, or an individual who stood in loco parentis (in place of a parent) when the employee was a child, and the parent of your spouse or same-sex domestic partner.
 - Child (of any age): the employee's biological, adopted, foster, or stepchild, a legal ward, or a child of whom the employee stands in loco parentis, and the child of the employee's same-sex domestic partner.
 - Grandparent or grandchild.
- Parental leave:
 - To care for the employee's own newborn child, newly adopted child or newly placed foster child.
- Sick Child Leave:
 - To care for a child 17 years of age or younger who has a non-serious health condition and requires home care. The age limit does not apply if the child is incapable of self-care because of a mental or physical disability.

- Bereavement leave:
 - Up to two weeks per family member, in a one-year time period to be taken within 60 days of notification of the death 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.

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:

- 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.

IF AN EMPLOYEE IS ON TIME LOSS DUE TO WORKER'S COMPENSATION:

- If an employee's pending workers' compensation claim is denied, OFLA leave will immediately begin if the employee meets the eligibility and purpose requirements.

TO REQUEST OFLA LEAVE:

- An employee must generally give 30 calendar days notice for planned absences (paid or unpaid) related to family and medical leave. If an employee is unable to request leave in advance due to an emergency or unforeseeable event, the employee must let the Benco Personnel Director know as soon as possible. Employees are not required to specifically state the leave is for OFLA, but the employee must provide enough information so Benco can determine if the leave qualifies. Benco may ask for more information if necessary.

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 and if Benco needs more information such as a medical certification.
 - The employee is required to provide a medical certification for their own serious health condition or the employee's family member's serious health condition. Benco will use this information to determine if the employee's reason for the leave qualifies under OFLA leave. The medical certification must be returned within 15 days of the employee's request for leave or the employee's leave may be denied. Denied leave means that the employee would not have job protection under OFLA leave. Employees may be asked to provide another medical certification under certain circumstances. At times, Benco may have enough information to designate OFLA leave without requesting medical certification.

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 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.
- The employee's insurance will continue normally unless the employee extends the 12-week time frame (with approval for the extension of OFLA leave) the employee must work a minimum of 80 hours in the month to receive the employer contribution for the following month.
- 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:

- Before the employee returns from OFLA leave, Benco may require the employee to provide a statement from their medical provider verifying the employee is able to return to work, and if they have work restrictions.
- 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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