May the Force (and your MN Team) Be With You:

Federal, State, Local, and Labor Law Updates

Trevor Caldwell, Jeff Chicoine,
Amy Robinson, and Rebecca Schach

2021 Employment Law Seminar

MILLER NASH LLP

Speaker Introductions

Trevor Caldwell
Bar Admissions:
Washington, Oregon

Amy Robinson
Bar Admissions:
Washington, Oregon, Alaska

Jeff Chicoine
Bar Admissions:
Washington, Oregon, Illinois

Rebecca Schach
Bar Admissions:
Washington, California

Federal Agency Update ("The New Order")

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Rolling Back "New Rules"

Prior administration had rolled out updated rules under the Fair Labor Standards Act (FLSA), and the new administration as withdrawn both:

1. **Independent Contractor Analysis**: Now back to "economic realities" test.
2. **Joint Employment Test**: Now back to "degree of association" standard.

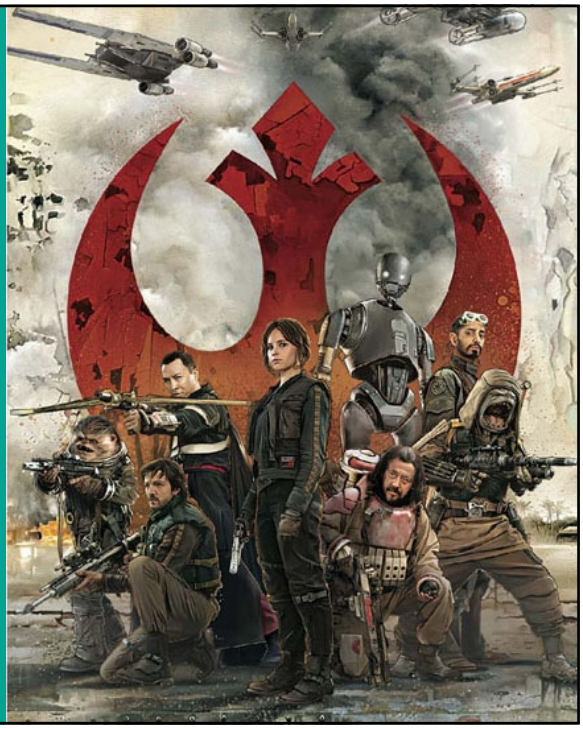
Increasing the Minimum Wage for Federal Contractors

- In September, the Department of Labor announced that, beginning January 1, 2022, the Executive Order 13658 minimum wage rate is increased to $11.25 per hour (86 FR 51683).
  - This Executive Order minimum wage rate generally must be paid to workers performing work on or in connection with covered contracts.
  - Additionally, beginning January 1, 2022, tipped employees performing work on or in connection with covered contracts generally must be paid a minimum cash wage of $7.90 per hour.
- Covered contracts that are entered into on or after January 30, 2022, or that are renewed or extended (pursuant to an option or otherwise) on or after January 30, 2022, will be generally subject to a higher $15.00 minimum wage rate established by Executive Order 14026 of April 27, 2021.

Revised/New Rules on Tip Pools

- Effective November 23, 2021, the Department of Labor's "new" rule clarifies that:
  - So long as tipped employees receive the full minimum wage (without tip credit) tip pooling is allowed, and now *may* include dishwashers, cooks or other employees who do not customarily receive tips.
  - Under the federal rule, managers and supervisors cannot participate in a tip pool or otherwise keep tips that employees receive, but are permitted to accept tips they receive from customers for services they "directly" and "solely" provide – and keep all or contribute a portion to other employees and/or or a tip pool.
- Effective December 28, 2021, in addition to the above a new "dual role" rule clarifies that an employee may only receive tip credit when working in a tip-qualifying role.

9th Circuit Court Decisions ("The Rebel Alliance")



Kennedy v. Bremerton School District (9th Cir. 2021) (petition for cert pending)

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- Facts: Bremerton School District high school football coach Kennedy alleged that his rights were violated under the First Amendment and Title VII of the Civil Rights Act of 1964 when the District prohibited him from praying at the conclusion of football games, in the center of the field, potentially surrounded by Bremerton students, and members of the community.
- Holding: Court held the District would have violated the Establishment Clause by allowing Kennedy to engage in the religious activity he sought. Kennedy was engaging in public speech of an overtly religious nature while performing his job duties. It also would not have been an undue hardship to accommodate him.
- **KEY TAKEAWAYS**: The 9th Circuit decision notes that the District's investigation about Kennedy's prayers after football games revealed that coaching staff had received little training regarding District policies. While this does not carry the day, adequate training (and recordkeeping on training) supports an employer's case in a discrimination lawsuit.

Fried v. Wynn Las Vegas (9th Cir 11/18/2021)

- Facts: Fried was a male manicurist who worked for 12 years at the Wynn Hotel in Las Vegas. He complained to his (female) manager that his female colleagues were favored with scheduling, and she told him that if he didn't like it he might want to work in another field. Shortly before his employment ended he was sexually propositioned by a customer, and when he complained to the manager, he was forced to return to finish the services – and more inappropriate comments. Despite further protest his manager did nothing about it, and his colleagues suggested that he must have liked it because he kept bringing it up – causing him to feel humiliated.
- Holding: An employer can create a hostile work environment, where it didn't already exist, just by failing to take immediate and corrective action in response to a coworker's or third party's sexual harassment or racial discrimination that the employer knew or should have known about.
- **KEY TAKEAWAYS**: Employers should be integrating regular training, specifically focused on managers, in addition to their regular staff training on these policies and practices.

Oregon Legislative Update ("Solo")

New(er) Rules for Noncompetition Agreements (SB 169)

- As of January 1, 2022, noncompete agreements are void and unenforceable if they don't comply with the statute.
- The enforceable time period is now limited to 12 months.
- In addition, the minimum salary (with commissions, if applicable) increased to $100,533, adjusted annually for inflation.
- To enforce a noncompete agreement as against, an employee who does not otherwise meet the exemption or minimum compensation requirements, the employee must be paid during the noncompetition period the greater of (1) 50% of the employee's gross base salary and commissions at the time of termination, or (2) $100,533, adjusted for inflation.

Hairstyles and Dress Codes (HB 2935)

- The definition of "race" in the state's employment discrimination law, ORS 659A.001, now includes "physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type, and protective hairstyles."
- "Protective hairstyle" is further defined to mean "a hairstyle, hair color, or manner of wearing hair that includes, but is not limited to, braids, regardless of whether the braids are created with extensions or styled with adornments, locs, and twists."
- The bill also limited the carve-out that permitted dress codes in ORS 659A.030(5) to one that "does not have a disproportionate adverse impact on members of a protected class to a greater extent than the policy impacts persons generally." This revision seems to eviscerate the traditional business necessity defense to disparate impact claims.

Hiring, Retention, and Vaccine Bonuses Excluded from Equal Pay (HB 2818)

- Effective June 23, 2021, vaccine incentives, hiring bonuses, and retention bonuses are temporarily removed from the definition of "compensation" for purposes of pay equity requirements. This change sunsets on March 1, 2022.
- There is a separate provision, which does not sunset, excluding vaccine incentives for immunizations to an infectious disease for which a public health emergency is declared.

Child Care Accommodation (SB 716)

- Employers are now prohibited from retaliating against an applicant or employees asking for a schedule that meets child care needs.
- This does not impose obligation to accommodate such requests.

Expanded Protections for Employees Reporting Unsafe Working Conditions

- Senate Bill 483: creates a rebuttable presumption of retaliation if an employer fails to hire or discharges an employee within 60 days of making a health or safety complaint under ORS chapter 654. The employer may rebut the presumption by a preponderance of the evidence.
- House Bill 2420: The time period is extended from 90 days to one year for filing a retaliation complaint with BOLI for reporting unsafe working conditions under ORS chapter 654.

Mandating Driver's License (SB 569)

It is now an unlawful employment practice within ORS chapter 659A for

1. an employer to make a driver's license a condition of employment, unless the ability to legally drive is an essential function of the job or is related to a legitimate business purpose, or
2. to refuse to accept alternative identification documents for verifying identification and employment authorization under federal immigration law.

Oregon State Court Decisions ("The Phantom Menace")

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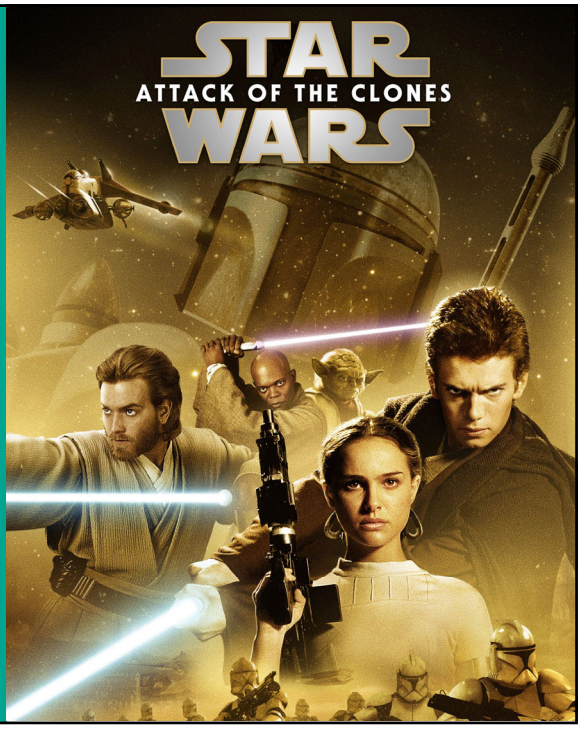
Hernandez v. Catholic Health Initiatives, et al.

- Holding: Anyone qualifying as a "person" under ORS 659A.001(9) may be an aider or abettor of an unlawful employment practice in a way that subjects them to liability under ORS 659A.030(1)(g).
- **KEY TAKEAWAY:** Benefit plan administrators and other third parties to employment relationships can be liable for aiding or abetting an unlawful employment practice.

Charlton v. Ed Staub and Sons Petroleum, Inc., et al.

- Holding: An employer's customer may also be an aider or abettor of an unlawful employment practice and subject to liability under ORS 659A.030(1)(g).
- **KEY TAKEAWAY:** Customers may be liable for aiding or abetting an unlawful employment practice.

Washington Legislative Updates ("Attack of the Clones")



Property Lien for Unpaid Wages

- This year, Washington passed a new law allowing employees to file claims against property owned by employers for unpaid wages. The Act creates a new type of statutory lien—a wage lien.
- Now, rather than waiting until either a wage complaint with L&I or a civil action against the employer are decided on the merits, employees can now establish a lien against certain employer property to secure a pending wage claim.
- This wage lien can be established before the merits of the wage claim are decided, providing the employee with a tool for securing unpaid wages during the pendency of the wage claim action or investigation.

Overtime Changes

- As of January 1, 2021, as a result of the minimum wage increase, the state's overtime pay thresholds for executive, administrative, and professional employees now exceed the federal minimum ($684 per week). In 2021, there were different salary levels depending on the size of the employer, but for 2022, all employers must pay a weekly salary of $1014.30 to meet the exemption test.
- As of January 1, 2022, there is **NO AGRICULTURAL EXEMPTION**!
  - As of January 1, 2022, agricultural employees earn overtime for more than **55 hours** per workweek
  - Beginning January 1, 2023, that will decrease to **48 hours** per workweek.
  - Then as of January 1, 2024, it decreases to the standard **40 hours** per workweek

Workplace Safety for Temp Workers

- As of July 25, 2021, staffing/temporary agencies are now required to:
  - Inquire about safety conditions, workers tasks, and the worksite employer's safety program before assigning workers;
  - Provide safety training for general awareness safety in the preferred language of the employee, and at no expense to the employee.
- Employers using staffing/temp employees must:
  - Document and inform temp agencies of hazards;
  - Review training provided by temp agency to confirm recognized hazards are covered in training
  - Provide any specialized safety training necessary;
  - Maintain records of training.
- If employer changes the job task or worksite location, employer must notify the temp agency and employee, identify any new hazards and update PPE and training if necessary.

Paid Family Medical Leave Changes

- No includes and expended definition of "family member" to include "*any individual who regularly resides in the employee's home or where the relationship creates an expectation that the employee care for the person, and that individual depends on the employee for care.*"
- Requires the general fund to cover expenses of additional leave if the number of individuals utilizing leave as a result of the amended definition of family member exceeds 500 individuals in any calendar year before July 1, 2023.
- As of January 1, 2022:
  - New withholding rate is 0.6% rate starting in January. Employer share of premiums is now 26.78% and the employee share is 73.22%.
  - Updated maximum weekly benefit amount is: $1,327.

Sexual Harassment and Assault Protections for Isolated Workers

- Effective January 1, 2021, every hotel, motel, retail, or security guard entity, or property services contractor that employs an employee must provide isolated workers who are housekeepers, room service attendants, security guards or janitors with sexual harassment and assault prevention requirements to include:
  1. Adopting a sexual harassment policy;
  2. Providing mandatory training to all employees;
  3. Providing a list of resources related to sexual harassment and assault prevention; and
  4. Providing a panic button to each isolated worker.
- In addition, property services contractors must submit specific documentation to the Washington State Department of Labor & Industries.

Washington State Court Decisions ("A New Hope")

Washington Supreme Court:

Washington Dept. of Labor & Industries v. Tradesman International LLC

- L&I cited two staffing agencies – Tradesman and Laborworks – for different WISHA violations. At issue in the case was whether staffing agencies may be liable employers for safety violations under WISHA, in a joint employment context.
- Holding:
  - The Court found that Tradesmen was not liable for worksite violations because Tradesmen did not control the workers, how the work was being performed, the worksite conditions, and lacked knowledge of the relevant safety hazard because the host employer never notified Tradesmen of the worksite change.
  - In contrast, Laborworks was liable for worksite violations because Laborworks controlled the workers' preparation for the work including vaccinations, training and related recordkeeping. Laborworks also had knowledge of the relevant safety hazard from a prior workplace injury.

Washington Supreme Court:

Washington Dept. of Labor & Industries v. Tradesman International LLC

- NEW TEST ESTABLISHED: The Court ruled that the determination of liability under WISHA, where the putative employer is a staffing agency, focuses on whether the staffing agency has sufficient control over the workers and control over the work environment to abate the relevant safety hazards.
- To help with this determination of liability, the Court instructs the Department to consider these factors:
  - Power to control the workers;
  - Control over the manner and instrumentalities of the work being performed, i.e. how the work gets done;
  - Power or ability to change the work conditions and status; and
  - Level of knowledge of the relevant safety hazard involved in the violation.
- **Key Takeaway:** Washington staffing agencies and host employers should revisit both their written contracts and practices to consider this liability analysis.

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Washington Court of Appeals (Div. II):

Port of Tacoma v. Joel Sacks

- Port workers travelled to China twice to observe the manufacturing process and once to Texas for training on new equipment. Port workers were paid for travel time pursuant to CBA at a straight time calculation of eight hours a day.
- Holding: The Court held that the Port employees were entitled to compensation for all "hours worked," and the travel time meets the definition of "hours worked" under WAC 296–126–002(8). This includes all travel time including wait time at the airport, shuttle to hotel, etc.
- **Key Takeaways:**
  - If a person is required to travel to a training seminar in another city, the time from when the employee leaves their home until they arrive at their hotel in the other city is all compensable, as if the return equivalent.
  - However, if the employee is required to report to work before they travel out of town, then the drive to work and home from work at the end of the travel is considered normal commute time and is not compensable.

Washington Court of Appeals (Div. I):

Robertson v. Valley Communications Center

- Facts: King County 911 call receivers and dispatchers filed for unpaid off-the-clock time. They alleged that the County required preparatory tasks including: gathering resource materials, signing up for breaks, locating ergonomic equipment, plugging in electronics and logging on to the computer.
- NEW TEST ESTABLISHED: Compensable preparatory tasks are those which are "integral or necessary to the performance of the job."
- **Key Takeaways:**
  - Signing up for breaks was necessary or integral to completion of jobs of emergency call receiver and dispatcher, as necessary for time spent signing up for breaks prior to shifts to constitute "hours worked" under Washington Minimum Wage Act (MWA)
  - *De Minimis* Doctrine applies to FLSA, Washington has not adopted this rule for MWA

City of Seattle Update ("Rogue One")

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Seattle Payroll Tax

- Beginning in 2021, the City of Seattle has begun imposing a payroll expense tax on all businesses within Seattle.
  - Payroll expenses are split into three tiers.
  - The payroll expense tax due is calculated using the applicable tier multiplied by a set rate according to each employee's annual compensation.
- Certain businesses are exempt, including, for example, any business with payroll expenses of less than $7 million in the most recent calendar year.

Seattle Minimum Wage

Effective January 1, 2022

- The increase to the minimum wage is required by the Minimum Wage Ordinance. The minimum wage applies to all employees working in Seattle regardless of the workers' immigration status.
- **The 2022 minimum wage for large employers** (501 or more employees) is **$17.27/Hour**.
- **The 2022 minimum wage for small employers** (500 or fewer employees) who do not pay at least **$1.52/hour** toward the employee's medical benefits and/or where the employee does not earn at least **$1.52/hour** in tips is **$17.27/Hour**.
- **The 2022 minimum wage for small employers** who do pay at least **$1.52/hour** toward the employee's medical benefits and/or where the employee does earn at least **$1.52/hour** in tips is **$15.75/Hour**.

Washington Public Employment Relations Commission (PERC)

Kitsap County, Decision 13306 (PECB, 2021)

- In 2020 the Washington state legislature passed HB 1750 which amended the statutes governing the filling of vacant positions in Sheriffs' offices by a civil service commission.
- The amendment requires civil service commissions to provide appointing authorities a list of the top five candidates based on civil service test scores. Prior to this amendment, the Kitsap County Sheriff's Office had a longstanding practice of requesting the top three candidates for open positions.
- The Kitsap County Deputy Sheriff's Guild sent the County a demand to bargain after learning that the Civil Service Commission was planning to change its rules in accordance with HB 1750.
- The County responded that it was not obligated to bargain over the change as it was based on a statutory change, and thus was an illegal subject of bargaining. The Guild subsequently filed a ULP complaint over the County's unilateral implementation of the change.

Kitsap County, Decision 13306 (PECB, 2021)

- The PERC Hearings Examiner held that :
  - The County changed the rule because of the legislature's change to the civil service law;
  - The issue was preempted by state law and an illegal, non-mandatory subject of bargaining.

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Key Takeaway: No Requirement to Bargain Over Statutory Requirements

- Whether to implement a change required by statute is an illegal, non-mandatory subject of bargaining, even if it involves a mandatory subject.
- While the decision itself may not be negotiable, its effect on other mandatory subjects may still be subject to bargaining.

Oregon Employment Relations Board (ERB)

SEIU Local 503 v. Marion County, UP-037-21 (Oct. 29, 2021)

- In response to the COVID-19 pandemic, Marion County implemented a temporary telework policy in March 2020.
- The policy noted that it was temporary and subject to change or rescission as necessary based on public health conditions.
- The County rescinded the temporary telework policy in June 2021, in response to the Governor lifting restrictions that prevented in-person work.
- The union demanded to bargain over the change, claiming that it impacted employee health and safety, which is a mandatory subject of bargaining.
- The County responded that it was not obligated to bargain over its decision to rescind a temporary policy.

SEIU Local 503 v. Marion County, UP-037-21 (Oct. 29, 2021)

- The ERB held that the County ***violated its duty to bargain by unilaterally rescinding the temporary telework policy.***
- According to the ERB, the County's implementation of the temporary telework policy ***created a new status quo***, and thus any change to it concerning a mandatory subject had to be negotiated.
- The ERB found that the County's rescission of the temporary telework policy implicated a mandatory subject of bargaining under **ORS 243.650(7)(h)**—employee safety—and that it also impacted other mandatory subjects, such as paid leave, that were subject to bargaining.
- Finally, the ERB rejected the County's arguments that the union waived its right to bargain by not making a demand when the change was announced, or that the County could act unilaterally under the management rights article of the parties' collective bargaining agreement.

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Key Takeaway: Temporary COVID-19 Policies Must be Bargained

- Temporary policies or practices implemented due to COVID-19 likely establish a new *status-quo*.
- Thus, rescinding those policies or practices to return to pre-pandemic "normal" must be negotiated if they involve a mandatory subject or affect a mandatory subject.

National Labor Relations Board (NLRB)

NLRB General Counsel Memo: College Athletes are Employees under the NLRA

- On September 29, 2021, General Counsel Jennifer Abruzzo (the "GC") for the National Labor Relations Board (NLRB) issued General Counsel Memorandum 21-08 ("GC Memo") announcing that scholarship athletes at private universities playing football in the Division I Football Bowl Subdivision (FBS) are employees under the National Labor Relations Act (NLRA).
- The GC oversees the investigation and prosecution of unfair labor practice cases, which are pursued nationwide by the NLRB's 26 regional offices.

NLRB General Counsel Memo: College Athletes are Employees under the NLRA

- The GC Memo states that Division I football players, and other similarly situated "Players at Academic Institutions," are employees under the NLRA.
- This means they are protected by Section 7 of the NLRA "when they act concertedly to speak out about their terms and conditions of employment, or to self-organize."
- In extending the NLRA's protections to football players and other yet to be determined athletes, the GC also reinstated a memorandum addressing the employment status of football players at Northwestern University issued in 2017 by the GC for the Obama Board, but later rescinded under the Trump Board.

Key Takeaway: Division I Athletic Departments May See Organizing Drives

- Division I FBS football players and certain other "similarly situated" persons formerly known as "student-athletes" are employees and protected by the NLRA.
- Simply calling football players and other "similarly situated" persons "student-athletes" is grounds for an unfair labor practice charge.

Columbia University, 364 NLRB 90 (2016)

- This case is five years old, its applicability came into question during the final year of the Trump administration.
- In September 2019, the NLRB under the Trump administration published a Notice of Proposed Rulemaking to address the status of student-workers at private colleges and universities under the NLRA .
- The proposed rule excluded undergraduate and graduate students at private colleges and universities performing work as student-teachers and teaching and research assistants from the NLRA's definition of "employee."

Columbia University, 364 NLRB 90 (2016)

- But the proposed rule wasn't finalized prior to the 2020 presidential election, and in March 2021, the NLRB withdrew the proposed rule in order to focus its time and resources on adjudicating cases in progress.
- During the pendency of the proposed rule, the status of student-workers under the NLRA was somewhat in question, but with its withdrawal the standards set forth in *Columbia University*, 364 NLRB 90 (2016) came back into full force.
- The Board in *Columbia University* clarified that **students performing work for a university, as part of their academic program of study or otherwise, met the NLRA's definition of an employee, and that their dual status as students didn't exclude them from NLRA coverage.**

Key Takeaway: Student Workers Can be Represented

- Student workers are protected by Section 7 of the NLRA when they act concertedly to speak out about their terms and conditions of employment, or to self-organize.

COVID-19 Guidance Update: ("The Resistance")

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The American Rescue Plan Act

Congress enacted the American Rescue Plan Act, which was signed into law by President Biden on March 11, 2021. While there were a wide range of impacts from this massive and intricate piece of legislation, the key impacts for employers, were:

- Additional, but voluntary, Families First Coronavirus Response Act (FFCRA) leave through September 30, 2021.
- Extended unemployment insurance (UI) benefits to September 6, 2021.
- 100% COBRA premium subsidy, additional notice requirements, and a new election period.
- Increased caps for Dependent Care Assistance Plan (DCAP) benefits.
- Extension of the Employee Retention Credit (ERC) until the end of 2021.

Presidential Executive Actions

- **Executive Order 1399: Protecting the Federal Workforce and Requiring Mask-Wearing Issued January 20, 2021.** Requires federal agencies to comply with CDC guidance on mitigation measures and enact social distancing and mask wearing among federal government employees and agency visitors.
- **"Path Out of the Pandemic: COVID -19 Action Plan" announced September 9, 2021.** Established a Safer Federal Workforce Task Force (the "Task Force") that was charged with issuing guidance to implement his Executive Orders, including:
  - **EO 14043: Requiring Vaccination for Federal Employees by November 22, 2021.**
  - **EO 14042: Addresses Vaccine Mandate and other Safety Protocols for Federal Contractors. **Vaccine deadline currently extended to January 18, 2022.***

OSHA's "Vaccine or Test" Rule

- In response to President Biden's "Path Out of the Pandemic: COVID-19 Action Plan," OSHA issued its Emergency Temporary Standard (ETS) on November 4, 2021:
  - Would apply to *all employers with 100 or more employees.*
  - Covered employers must adopt either a vaccination policy or a vaccine or test policy, as well as masking and additional safety measures.
  - Initially intended to be effective December 5, 2021 with vaccination required by January 4, 2022.
  - Rule is currently on hold, as challenges in 12 of the 13 federal circuits are resolved via combined appeal process.
- Watch our **COVID-19 Resource Center** for our updates on this topic.

State Vaccine Mandates – Washington

- Governor Inslee issued Proclamation 21-14.1 on August 20, 2021 requiring that the following personnel and industries be fully vaccinated:
  - State Agencies and Contractors
  - Health Care Providers
  - Educational Settings
- Personnel and on-site contractors covered by the mandate were to be fully vaccinated by October 18, 2021.
  - Proof of vaccination does not include an employee attestation in this context.
- The mandate does recognize, but not require, exemptions when a covered worker is unable to be vaccinated due to a medical condition or bona fide religious belief, but explicitly prohibits covered employers from simply "rubberstamping" requests.

State Vaccine Mandates – Oregon

- EO 21-29 was issued by Oregon's Governor Kate Brown on August 10, 2021 and mandated vaccination for all State Employees by October 18, 2021.
- On August 19, 2021, Governor Brown also announced **healthcare workers** and all **teachers, educators, support staff, and volunteers in K-12 schools** would need to be fully vaccinated after full FDA approval of the vaccines in the US.
  - The Oregon Health Authority (OHA) issued a temporary rule requiring teachers, educators, support staff, and volunteers in K-12 schools to be fully vaccinated by **October 18, 2021** shortly thereafter.
  - OHA then amended the temporary rule requiring health care workers to be fully vaccinated in order to work in a healthcare setting by **October 18, 2021** as well.

State Vaccine Mandates – California

- CDPH issued a Public Health Order on August 5, 2021 that **covered healthcare workers** must be vaccinated, or if an exemption applies, must test for COVID-19 once weekly and wear a surgical mask or N95 respirator.
- Governor Newsom has also directed that **state employees** must be vaccinated or be tested regularly.
- CDPH issued a Public Health Order on August 11, 2021, that **public and private school staff** serving students in transitional kindergarten through grade 12, inclusive (except home schools) must be vaccinated or tested for COVID-19 weekly.

Pandemic Leave Assistance under PFML – Washington

Washington House Bill 1073 added temporary pandemic leave assistance to the state's Paid Family and Medical Leave law, that is to be effective April 21, 2021 through June 30, 2023.

- Employee Eligibility: Currently ineligible for traditional PFML, but have worked in covered employment *either* 820 hours through all four quarters of 2019 *or* 820 hours from the second quarter of 2019 through the first quarter of 2020.
  - Workers who fall short of the traditional hours worked threshold due to misconduct or voluntary separation unrelated to COVID-19 are excluded.
- Claim Filing: Starting on August 1, 2021, employees may begin filing claims for pandemic leave assistance employee grants.
- Applicable Absence Period(s): Applies to absences that fall between January 1, 2021 and March 31, 2022.
- Additional Small Business Grants available for eligible employers.

Oregon Family Leave Act (OFLA) – Pandemic "Inspired" Amendments

- The Legislature expanded OFLA rights to address three issues that arose from the pandemic:
  1. Any employer with at least one employee will be subject to OFLA during a public health emergency as defined in the bill, subject to certain exceptions.
     - The exceptions are for an employee who was employed for fewer than 30 days prior to commencing leave or who worked an average of less than 25 hours per week in the 30 days prior to commencing leave.
  2. Provides special break-in-service provisions for meeting employee eligibility requirements if the employee (1) was eligible at the time of separation and was reemployed within 180 days of separation, or (2) was eligible at the beginning of the temporary cessation of scheduled hours of 180 days or less and who returned to work at the end of the cessation period.
  3. Expands the definition of "sick child" to include care for the employee's child whose school or day care is closed due to a public health emergency.

Thank You!

Trevor Caldwell
trevor.caldwell@millernash.com
503.205.2381

Amy Robinson
Amy.Robinson@millernash.com
360.619.7024

Jeff Chicoine
jeff.chicoine@millernash.com
503.205.2371

Rebecca Schach
Rebecca.schach@millernash.com
206-777-7483


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