

Employer-Administered Plan Minimum Requirements

As defined in OAR 471-070-2220, an employer-administered equivalent plan offers paid leave benefits to employees that are equal to or greater than the state plan. The employer assumes all financial risk associated with the benefits and administration of the equivalent plan, whether administered by the employer or a third party.

This document is intended as an additional resource for employers to help them better understand the minimum requirements for an equivalent plan. The list of plan requirements isn't complete. Employers or administrators are responsible for reviewing all Paid Leave Oregon laws and rules and adding any company-specific language, policies, or procedures related to their equivalent plans.

Plans and policies that don't meet all requirements will result in delays in application processing and risk potential application denial.

Sections	References	Description of Plan Requirement
Employee coverage requirements	ORS 657B.210; ORS 657B.250; OAR 471-070-2220; OAR 471-070-2250	<p>A plan must state when employees begin coverage under the plan.</p> <p>Immediate coverage applies to:</p> <ul style="list-style-type: none"> • Employees previously eligible for benefits under their last Oregon employer's equivalent plan <p>Coverage within (30) days applies to employees:</p> <ul style="list-style-type: none"> • Previously eligible under the state plan • New to the workforce • Relocating from another state • With a gap in coverage exceeding (30) days <p>Other Considerations:</p> <ul style="list-style-type: none"> • The plan must cover employees who have been in continuous employment with the employer for at least 30 calendar days. This includes full-time, part-time, and temporary employees as well as employees the employer hired to replace eligible employees taking leave, regardless of the number of hours an employee works.

Sections	References	Description of Plan Requirement
Types of leave	ORS 657B.010 ORS 659A.272; OAR 471-070-2220	Plan provides: <ul style="list-style-type: none"> • Family leave - To care for and bond with a child during the first year after the child’s birth, adoption, or their placement in the employee’s home through foster care; or to care for a family member with a serious health condition. • Medical leave – For an employee’s own serious health condition. • Safe leave – As described in ORS 659A.272 (See definitions table)
Types of leave - consecutive or intermittent	ORS 657B.090; OAR 471-070-2220	Plan allows employees to take family leave, medical leave, or safe leave in consecutive or intermittent periods. Employees may claim benefits for leave they take in increments equal to one workday or one workweek.
Benefit amounts and claims	ORS 657B.210 OAR 471-070-2260	Plan provides eligible employees weekly benefit amounts equal to or greater than benefits provided under ORS 657B.050. Including, but not limited to: <ul style="list-style-type: none"> • The amount of leave for qualifying events • The amount of benefits • Benefits under an approved equivalent plan shall be administered using the benefit year (see definitions)
Additional restrictions prohibited	OAR 471-070-2220	Plan doesn’t impose additional conditions or restrictions on the use of family leave, medical leave, or safe leave beyond those explicitly authorized by ORS Chapter 657B and applicable administrative rules.
Employer costs	ORS 657B.210 OAR 471-070-2220	An employer may assume all or a part of the costs related to a plan approved under this section. If the employer collects contributions from employees, they won’t be greater than those under the state plan. Note: Contributions employers withhold for an equivalent plan will be used for that purpose, won’t be considered assets, and will be maintained separately from other employer-held funds.

Sections	References	Description of Plan Requirement
Employee contributions	ORS 657B.150; ORS 657B.210; OAR 471-070-2220; OAR 471-070-3010	<p>The plan/policy must specify if the employer will withhold contributions from employees' wages.</p> <p>The contribution rate and maximum wage amount for 2024 is 1% of each employee's wages up to the social security wage index (\$168,600). Employee contributions can't exceed 60% of the contribution rate.</p>
Decision requirements	OAR 471-070-2220	<p>Plan provides decisions on benefit claims in writing, either in hard copy or electronically if the employee has chosen electronic notification.</p> <p>Decisions include:</p> <ul style="list-style-type: none"> • The approved amount of leave, the weekly benefit amount, and information on how to contact the plan administrator if the employee believes that their weekly benefit amount is incorrect. <p>OR</p> <ul style="list-style-type: none"> • The reason(s) for a denial of benefits along with an explanation of an employee's right to appeal the decision. <p>All decisions include instructions about how to file an appeal.</p>
Appeals	ORS 657B.210; ORS 657B.420 OAR 471-070-2220; OAR 471-070-2400	<p>Plan provides an appeal process to review benefit decisions when an employee requests a review. The employer or administrator must issue a written decision.</p> <ul style="list-style-type: none"> • Employees have at least 60 calendar days to request an appeal or as soon as practicable if there is good cause. • Employer or administrator will have 20 calendar days, or as soon as practical if there is good cause, from the date they receive the appeal to issue a written appeal determination letter along with an explanation of the Oregon Employment Department's dispute resolution process if the employer or administrator denies an appeal.

Sections	References	Description of Plan Requirement
Benefit payments	OAR 471-070-2220	<p>The equivalent plan employer makes all reasonable efforts to allow the claim and issue the first payment of any benefits to an employee within two weeks after receiving the claim or the start of leave, whichever is later.</p> <p>The employer may pay the following benefit payments according to the existing paycheck schedule for employees under an employer-administered equivalent plan.</p>
Written notice (Model Notice) poster	ORS 657B.210; OAR 471-070-2220	<p>Employers must provide notice to employees about coverage provided under the equivalent plan as described in ORS 657B.210 (11)(c). Employers must give notice to all eligible employees, at the time of hire and each time the policy or procedure changes, in the language that the employer typically uses to communicate with the employee.</p> <p>The notice includes:</p> <ul style="list-style-type: none"> • Information about benefits available under the approved plan, including the length of leave. • How to file a claim to receive benefits under the plan. • Information on employee contributions used to fund the plan, if any. • An employee’s right to dispute a benefit decision determined by the Oregon Employment Department director under ORS 657B.420. • The right to job protections and continuation of health benefits, if applicable. • A statement that discrimination and retaliatory personnel actions against an employee is prohibited under ORS 657B.340. This includes retaliation related to asking about the paid leave program, giving notification of leave under the program, taking leave under the program or claiming family, safe and medical leave benefits.

DEFINITIONS

Definitions included in this document aren't all-inclusive and employers are responsible for making sure that definitions included in their equivalent plans are the same as those defined in rule and law for Paid Leave Oregon.

Word or phrase	Related rule or law	Definition
Administrative costs	OAR 471-070-2200	<p>The costs an employer incurred directly related to administering an equivalent plan which include, but are not limited to, cost for accounting, recordkeeping, insurance policy premiums, legal expenses, and labor for human resources' employee interactions related to the equivalent plan.</p> <p>Administrative costs don't include rent, utilities, office supplies or equipment, executive wages, cost of benefits, or other costs not immediately related to administering the equivalent plan.</p>
Administrator	OAR 471-070-2200	An insurance carrier/company, third-party administrator, or payroll company acting on behalf of an employer to provide administration and oversight of an approved equivalent plan.
Amount of leave	ORS 657B.020	An equivalent plan must provide at least 12 weeks of paid leave per benefit year in any combination of family, medical, and safe leave. The plan must also provide an additional two weeks of paid leave for limitations related to pregnancy.
Benefit amounts	ORS 657B.050	<ul style="list-style-type: none"> • If the employee's average weekly wage is equal to or less than 65% of the state average weekly wage, the employee's weekly benefit amount is 100% of the employee's average weekly wage. • If the employee's average weekly wage is greater than 65% of the average weekly wage, the employee's weekly benefit amount is the sum of: <ul style="list-style-type: none"> • 65% of the average weekly wage plus • 50% of the employee's average weekly wage that is greater than 65% of the average weekly wage, up to 120% of the state average weekly wage

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Benefit year	OAR 471-070-1000	A period of 52 consecutive weeks starting the Sunday before the employee begins family, medical, or safe leave. The benefit year is 53 weeks if a 52-week benefit year results in an overlap of any quarter of the base year for a previously filed valid claim. A claimant can have only one valid benefit year at a time.
Child	ORS 657B.010	<ul style="list-style-type: none"> • A biological child, adopted child, stepchild, or foster child of a covered person or of the covered person's spouse or domestic partner, a person who is or was a legal ward of a covered person or of the covered person's spouse or domestic partner. • A person who is or was in a guardian relationship with a covered person or with the covered person's spouse or domestic partner.
Eligible employee	ORS 657B.010	<p>An employee who has earned at least \$1,000 in wages during the base year (the first four of the last five completed calendar quarters before the start date of the employee's benefit year); or</p> <p>If an employee has not earned at least \$1,000 in wages during the base year, an employee is eligible if they have earned at least \$1,000 in wages during the alternate base year (the four most recent completed calendar quarters before the employee's benefit year); and</p> <p>An employee who applies for paid leave benefits under ORS 657B.015.</p>
Equivalent plan	ORS 657B.210 OAR 471-070-2200	An employer-offered paid leave plan approved by OED that provides benefits that are equal to or greater than benefits provided by Paid Leave Oregon established under ORS 657B.340.

Word or phrase	Related rule or law	Definition
Family member	ORS 657B.010	<ul style="list-style-type: none"> • The spouse of a covered person • A child of a covered person or the child’s spouse or domestic partner • A parent of a covered person or the parent’s spouse or domestic partner • A sibling or stepsibling of a covered person or the sibling’s or stepsibling’s spouse or domestic partner • A grandparent of a covered person or the grandparent’s spouse or domestic partner • A grandchild of a covered person or the grandchild’s spouse or domestic partner • The domestic partner of a covered person • Any person related by blood or affinity whose close association with a covered person is the equivalent of a family relationship. The meaning of affinity is defined in OAR 471-070-1000(1).
Safe leave	ORS 659A.272	<ul style="list-style-type: none"> • To seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee’s minor child or dependent. This includes preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, harassment, sexual assault, bias crimes, or stalking • To seek medical treatment for, or to recover from, injuries caused by domestic violence, sexual assault, harassment or stalking of or the commission of a bias crime against the eligible employee or the employee’s minor child or dependent • To obtain or assist a minor child or dependent in obtaining counseling from a licensed mental health professional related to an experience of domestic violence, harassment, sexual assault, bias crime or stalking • To obtain services from a victim services provider for the eligible employee or the employee’s minor child or dependent • To relocate or take steps to secure an existing home to ensure the health and safety of the eligible employee or the employee’s minor child or dependent

Word or phrase	Related rule or law	Definition
Serious health condition	ORS 659A.150 OAR 471-070-1000	<ul style="list-style-type: none"> • An illness, injury, impairment, physical or mental condition that requires inpatient care in a hospital, hospice, or residential medical care facility • An illness, disease or condition that, in the medical judgment of the treating health care provider, poses an imminent danger of death, is terminal in prognosis with a reasonable possibility of death in the near future, or requires constant care • Any period of disability due to pregnancy or absence for prenatal care • Any period of absence for the donation of a body part, organ or tissue, including pre-operative or diagnostic services, surgery, post-operative treatment and recovery
Substantial reduction in personnel	OAR 471-070-2200 ORS 657B.260	A situation in which the number of employees employed by the predecessor of the organization, trade, or business is reduced by at least 33% by the successor in interest.
Successor in interest	OAR 471-070-2200	A successor to another's interest in property, organization, trade, or business that is carried on and controlled substantially as it was before the transfer to the successor of the organization, trade, or business, and substantially all its assets.