

Clatskanie School District 6J

Code: GCBDF/GDBDF
Adopted: 12/12/23

Paid Family and Medical Leave Insurance

The district provides an equivalent plan for paid family and medical leave and does not participate in Paid Leave Oregon. This plan has been approved by the Employment Department. The district will file the Oregon Quarterly Tax Report as required.

The district will make available a notice poster that outlines the requirements and procedures for the equivalent plan.¹ This poster will be displayed in each of the district's buildings or worksites in an area that is accessible to and regularly frequented by employees. This poster will be provided² to remote employees upon hire or assignment to remote work.

END OF POLICY

Legal Reference(s):

ORS 657B.210 – 657B.260

OAR 471-070-2200 - 2460

Corrected 12/16/24

¹ For poster requirements, see OAR 471-070-2330.

² By hand delivery, regular mail, or through an electronic delivery method.

certification³ examination by a physician chosen and paid for by the district. If an employee fails refusing to provide verification or certification or fails submit to such an examination or to provide other evidence as required by the district, the employee shall be subject to appropriate disciplinary action, up to and including dismissal.

When the reason for sick time is consistent with FMLA, PFMLI or /OFLA leave, the sick time leave and qualifying the FMLA, PFMLI or /OFLA leave may run concurrently.

When the reason for sick time is consistent with ORS 332.507, the sick time leave and leave pursuant to ORS 332.507 may run concurrently.

If the reason for sick time is a foreseeable absence, the district requires an may require the employee to provide advance notice of their intention to use sick time within 10 days prior to when of the requested sick time is to begin, or as soon as otherwise practicable. When an the employee uses sick time for a foreseeable absence, the employee shall take reasonable effort to schedule the sick time in a manner that does not unduly disrupt the operations of the district (e.g., grading deadlines, inservice training, mandatory meetings). The district may discipline an employee if the employee fails to make a reasonable effort to schedule leave in a manner that does not unduly disrupt the operations of the district.

If the reason for sick time is unforeseeable, such as an emergency, accident or sudden illness, the employee shall notify the district consistent with the reporting time established by the district or when circumstances prevent the employee from providing notice as required, as soon as practicable.

The district may discipline an employee for violating workplace policies and procedures if the employee fails to provide notice as required.

The district shall establish a standard process to track the eligibility for sick time of a substitute.

END OF POLICY

Legal Reference(s):

ORS 332.507
ORS 342.545

ORS 342.610
ORS 653.601 - 653.661

ORS 659A.150 - 659A.186
OAR 839-007-0020 - 0065

Americans with Disabilities Act/Americans with Disabilities Act Amendments Act, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2023); 28 C.F.R. Part 35 (2023).
Family and Medical Leave Act, 29 U.S.C. §§ 2601-2654 (2018); Family and Medical Leave Act, 29 C.F.R. Part 825 (2023).

Corrected 11/21/24; Corrected 12/16/24

³ In the case of need for leave under ORS 659A.272, the district may not require the verification or certification to explain the nature of the illness or details related to the domestic violence, sexual assault, harassment, bias, or stalking, which necessitates the use of sick time.

Clatskanie School District 6J

Code: GCBDF/GDBDF-AR
Revised/Reviewed: 8/09/23; 12/12/23

Paid Family and Medical Leave Insurance (PFMLI)

Application

The district is using the American Fidelity PFMLI policy (the “PFMLI Plan”) to administer paid-leave benefits required by Paid Leave Oregon. Employees may submit applications for PFMLI benefits for paid family and medical leave to American Fidelity. Applications may be submitted up to 30 days prior to the start of the leave and up to 30 days after the start of the leave.¹ American Fidelity may require verification from the employee consistent with the terms of the PFMLI Plan and applicable law. American Fidelity will make all decisions regarding acceptance and denial of an application, including determining the amount of the benefit.² The district cannot accept, file, process or make decisions on applications.

An employee may appeal an approval or denial of claim, the amount of a weekly benefit or a disqualification from receipt of benefits to American Fidelity in accordance with the terms of the PFMLI Plan and applicable law. Employees can refer to the American Fidelity PFMLI notice poster for more information about how to file a claim, the appeal process, and other details about the American Fidelity PFMLI Plan. American Fidelity can also be contacted directly with any questions about the administration of the PFMLI Plan.

Employee Notice to District

If the leave is foreseeable³, the employee must provide the district with written notice⁴ at least 30 calendar days prior to the leave. If the leave is not foreseeable⁵ the employee must give oral notice to the district within 24 hours of the start of the leave, and must provide written notice within 3 days after the start of leave.⁶ The district requests as much advance notice as possible.

¹ Exceptions may be granted when the applicant can demonstrate good cause for late submission.

² The benefit may be less than the employee’s salary. See ORS 657B.050.

³ Examples of foreseeable leave include, but are not limited to, an expected birth, planned placement of a child, or a scheduled medical treatment for a serious health condition of the eligible employee or a family member of the eligible employee. See OAR 471-070-1310.(4).

⁴ Written notice includes, but it not limited to, handwritten or typed notices, and electronic communication such as text messages and email.

⁵ Leave circumstances that are not foreseeable include, but are not limited to, an unexpected serious health condition of the eligible employee or a family member of the eligible employee, a premature birth, an unexpected adoption, an unexpected foster placement by or with the eligible employee, or for safe leave.

⁶ An eligible employee who takes safe leave shall give the employer reasonable advance notice of the individual’s intention to take safe leave, unless giving the advance notice is not feasible. If other leave also applies, (OFLA, FMLA, etc.), notice requirements for those types of leave may also apply.

The notice must include:

1. The employee's first and last name;
2. Type of leave;
3. Explanation of the need for leave; and
4. Anticipated timing and duration of leave, including if it is continuous or intermittent.

Notice need only be given one time, but the employee shall notify the district as soon as practicable if dates of scheduled leave change, are extended, or were initially unknown. This notice does not need to mention PFMLI to satisfy the notice requirements. Notice may be provided by another party on behalf of the employee in accordance with state law.

Failure to comply with these notice requirements may result in a benefit reduction imposed by American Fidelity. American Fidelity may reduce a portion of the benefit by 25 percent in accordance with OAR 471-070-1310(10).

Concurrent Use of District-Provided Paid Leave

The district allows employees to use all or a portion of employer provided paid leave in addition to receiving PFMLI benefits. The employee will be allowed to use available district-provided paid leave (e.g., sick, vacation or otherwise) for days that PFMLI is received. The total combined amount received by using accrued leave and Paid Leave Oregon may exceed the employee's full wage replacement during the period of leave. The district will determine the particular order in which accrued leave is used when more than one type of accrued leave is available to the employee.

Example:

An employee applies and is approved for PFMLI for a personal serious medical condition, which also qualifies for OFLA leave. American Fidelity determines that the rate of pay will be 75 percent of the employee's regular salary. The employee will be allowed to use available district-provided paid leave (sick, vacation or otherwise) for days that PFMLI is received. Because of the overlap with OFLA leave in this example, American Fidelity determines that the rate of pay will be 75 percent of the employee's regular salary. The employee will be allowed to use available district-provided paid leave (sick, vacation or otherwise), subject to any applicable collective bargaining agreement or other agreement for days PFMLI benefits are received. The employee will be able to choose how much other paid leave to use (which may result in the employee receiving more than 100 percent of their typical salary).

Return to Work

Upon completion of leave, the employee is entitled to return to the position held in the district prior to the leave, if that position still exists and if the employee had been employed in the district for 90 days prior to

taking leave.⁷ If the position no longer exists, the employee is entitled to a position equal to their previous position, with equal benefits, pay and other terms and conditions of employment.

Communications Between the District and American Fidelity

Upon receipt of an application or update in information from a district employee for PFMLI, American Fidelity will notify the district. The district may provide additional information to American Fidelity within 10 days. This information may include, but is not limited to, information about the employee's notice to the district or verification of the employee's continued employment with the district. If the district does not report such information to American Fidelity, American Fidelity will proceed using available information. The district can provide additional information to American Fidelity as it becomes available.

If American Fidelity requests additional information from the district, the district will respond within 10 calendar days.

Once American Fidelity has issued a decision regarding an application submitted by an employee of the district, American Fidelity will notify the district regarding the approval or denial and any applicable dates and periods of leave. The district cannot appeal an American Fidelity decision.

District Notice to Employees

At the time of hire and each time the policy or procedure changes, the district must provide notice to employees. This notice must be in the language that the employer typically uses to communicate with employees and will include the requirements of OAR 471-070-2330.

The district will display the notice poster in an area that is accessible to and regularly frequented by employees in each building or worksite. The district will provide this notice poster to employees working remotely by hand delivery, regular mail or through an electronic delivery method at the time of hire or assignment to remote work.

District Filings

The district will file the Oregon Quarterly Tax Report, the Oregon Employee Detail Report and any other reports required by law. If the district fails to submit required filings or report, or fails to pay all required contributions, the district may be penalized in accordance with OAR 471-070-8520.

Employee Protections

No employee or prospective employee will be discriminated against or retaliated against for inquiring about PFMLI, giving notification of leave under PFMLI, taking such PFMLI leave or claiming such PFMLI benefits. Eligible employees have a right to file a complaint and/or bring a civil action for violations of ORS 657B.060 or ORS 657B.070.

⁷ If the employee's leave also qualifies for ~~OFLA~~/FMLA protection, see also Board policy GCBDA/GDBDA – ~~Family Medical Leave~~ and its accompanying administrative regulations.

Any health information related to family leave, medical leave or safe leave provided to the district by an employee is confidential and may not be released without the permission of the employee unless state or federal law or a court order permits or requires disclosure.

Corrected 12/16/24