Muddy Creek Charter School

Code: GCBDF/GDBDF-AR
Revised/Reviewed: 06/10/2025

Paid Family and Medical Leave Insurance (PFMLI)

Application

Employees may submit applications for Paid Leave Oregon[1] to the Oregon Employment Department ("Department").[2] 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.[3] The Department may require verification from the employee.[4] The Department will make all decisions regarding acceptance and denial of an application, including determining the amount of the benefit.[5] The public charter school 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 the Department in accordance with Oregon Revised Statute (ORS) 657B.010 and Oregon Administrative Rule (OAR) 471-070-2220.

Employee Notice to Public Charter School

If the leave is foreseeable[6], the employee must provide the public charter school with written notice[7] at least 30 calendar days prior to the leave. If the leave is not foreseeable[8] the employee must give oral notice to the public charter school within 24 hours of the start of the leave, and must provide written notice within 3 days after the start of leave.[9] The public charter school requests as much advanced notice as possible.

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[1] "Paid Leave Oregon" means the Paid Family and Medical Leave Insurance program described in ORS 657B.

[2] For application requirements see Oregon Administrative Regulation (OAR) 471-070-1100. Applications can be submitted at https://frances.oregon.gov/_/ to the Employment Department through the Paid Leave Oregon program.

[3] Exceptions may be granted when the applicant can demonstrate good cause for late submission.

[4] See verification requirements in OAR 471-070-1110 - OAR 471-070-1130.

[5] The benefit may be less than the employee's salary. See ORS 657B.050.

[6] 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(1).

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

[8] 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.

[9] 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, 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 public charter school as soon as practicable if dates of scheduled leave change, are extended, or were initially unknown. This notice does not need to mention PFMLI or Paid Leave Oregon 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 penalty imposed by the Department. The Department may reduce the amount of the benefit by 25 percent in accordance with OAR 471-070-1310(10).

Concurrent Use of Public Charter School-Provided Paid Leave

The employee will be allowed to use available school-provided paid leave (e.g., sick, vacation or otherwise) for days that Paid Leave Oregon is received {[10]}[to the extent that the total combined amount of accrued paid leave and benefits received by the employee does not exceed an amount equal to the employee's full wage replacement during the period of leave]. [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 school 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: The Department determines that the rate of pay will be 75 percent of the employee's regular salary. The employee will be allowed to use available school-provided paid leave (sick, vacation or otherwise), subject to any applicable collective bargaining agreement or other agreement for days Paid Leave Oregon benefits are received. The employee [may use such leave to the extent that the total combined amount of accrued paid leave and Paid Leave Oregon benefits received by the employee does not exceed an amount equal to the employee's full wage replacement during the period of leave] [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 public charter school prior to the leave, if that position still exists and if the employee had been employed in the public

[10] {Select one of the two bracketed options based on public charter school practice, i.e., keep the ending to this sentence OR delete this ending and keep the following bracketed sentence. See ORS 657B.030(2) (as amended by SB 1515 (2024) for additional guidance).}

charter school for 90 days prior to taking leave.[11] If the position no longer exists, the employee may be placed in a different position with similar job duties and with the same employment benefits and pay.

Communications Between the Public Charter School and the Department

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

If the Department requests additional information from the public charter school, the public charter school will respond within 10 calendar days.

Once the Department has issued a decision regarding an application submitted by an employee of the public charter school, the Department will notify the public charter school regarding the approval or denial and any applicable dates and periods of leave.

Public Charter School Notice to Employees

At the time of hire and each time the policy or procedure changes, the public charter school must provide notice to employees. This notice must be in the language that the employer typically uses to communicate with employees and will include:

1. The right of an eligible employee to claim and receive family and medical leave insurance benefits;

2. The procedure for filing a claim for benefits;

3. That an eligible employee must provide notice to the public charter school before the employee commences leave, and a description of the penalties for failure to comply with the notice requirements;

4. The right of an eligible employee to job protection and benefits continuation;

5. The right of an eligible employee to appeal a decision or determination made by the Department director;

6. That discrimination and retaliatory personnel actions against an employee for inquiring about the PFMLI or Paid Leave Oregon program, giving notification of leave under the program, taking leave under the program or claiming PFMLI or Paid Leave Oregon benefits are prohibited;

7. The right of an employee to bring a civil action or to file a complaint for violation of ORS 657B.060 or 657B.070; and

[11] If the employee's leave also qualifies for FMLA protection, see also Board policy GCBDA/GDBDA and its accompanying administrative regulations.

8. That any health information related to family leave, medical leave or safe leave provided to the public charter school 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.[12]

The public charter school will display the Department's notice poster in an area that is accessible to and regularly frequented by employees in each building or worksite. The public charter school 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.

Public Charter School Filings

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

The public charter school may apply for an assistance grant.[13]

Employee Protections

No employee or prospective employee will be discriminated or retaliated against for inquiring about PFMLI or Paid Leave Oregon, giving notification of leave under Paid Leave Oregon, taking such leave or claiming such 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.

Any health information related to family leave, medical leave or safe leave provided to the public charter school 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.

[12] Paid Leave Oregon has provided a model notice, https://paidleave.oregon.gov/DocumentsForms/Paid-Leave-ModelNotice-Poster-EN.pdf.

[13] See OAR 471-070-3705 - 3710 for eligibility and application requirements.