

**July 21, 2009
Employment Alert**

Oregon Military Family Leave Act of 2009

Background

On June 25, 2009, Governor Kulongoski signed into law the Oregon Military Family Leave Act. This Act was first introduced as House Bill 2744 during Oregon's 2009 Legislative Session. The bill passed both the House and the Senate and took effect immediately upon signature by the Governor.

Purpose of the Act

The Oregon Military Family Leave Act expands the Oregon Family Leave Act ("OFLA") to require employers to provide up to fourteen (14) days of protected OFLA leave to employees whose spouses are being deployed to active military duty. The OFLA applies to Oregon employers with 25 or more employees.

Effect of the Act

Under the new law:

- During a period of military conflict, employers must provide an eligible employee who is a military spouse with up to fourteen (14) days of unpaid leave per each deployment of his or her spouse in the Armed Forces, National Guard, or military reserve forces when the spouse: (1) Has been notified of an impending call to active duty; (2) Has been ordered to active duty; or (3) Has actually been deployed.
- Eligible employees are those employees who receive compensation from the employer for their services for an average of at least 20 hours per week.
- An employee must provide the employer with notice of his or her intention to take military family leave within five (5) business days of receiving official notice of an impending call or order to active duty or of a leave for deployment.
- As with all OFLA leave, an employee who takes military family leave is entitled to a continuation of benefits while on military family leave and to be restored to the position the employee held prior to his or her military family leave.
- An employee who takes military family leave may elect to use any accrued paid leave available to the employee.

- Military family leave taken under the Act counts as part of the total amount of leave an employee is entitled to take under OFLA. That is, the amount of military family leave taken by an employee is included in the employee's overall protected OFLA leave entitlement and is not additional protected leave.
- It is an unlawful employment practice for an employer to deny protected military family leave to an eligible employee or to retaliate against an employee who requests or takes such leave.

To Do

Since the law is now in effect, employers need to immediately comply with the requirements of the Oregon Military Family Leave Act and should revise their OFLA policies and procedures to ensure compliance with the new laws. Employers with questions about the Oregon Military Family Leave Act should contact their legal counsel.

The text of the Oregon Military Family Leave Act can be found at:
<http://www.leg.state.or.us/09reg/measpdf/hb2700.dir/hb2744.a.pdf>

**The Harrang Long Gary Rudnick P.C.
 Labor and Employment Group**

Specializing in providing Labor and Employment advice to public and private employers.

For further information, please contact a member of our Labor and Employment Group:

Mark P. Amberg
 mark.amberg@harrang.com

Sharon A. Rudnick
 sharon.rudnick@harrang.com

Sivhwa (Hwa) Go
 hwa.go@harrang.com

Andrea M. Nagles
 andrea.nagles@harrang.com

Jens Schmidt
 jens.schmidt@harrang.com

Andrea D. Coit
 andrea.coit@harrang.com

541.420.3008 (Eugene)
 503.242.0000 (Portland)
 503.371.3330 (Salem)

Harrang Long Gary Rudnick P.C.
www.harrang.com

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