



Commissioner Brad Avakian
Bureau of Labor and Industries

PRESS ADVISORY & PUBLIC SERVICE ANNOUNCEMENT
FOR IMMEDIATE DISTRIBUTION

February 5, 2009

CONTACT: Kate Newhall, 503-467-1665

Avakian Announces Forums on Family Leave Rules

Major changes in federal regulations prompt State Labor Commissioner to seek public input

PORTLAND – Oregon Labor Commissioner Brad Avakian announced today that he is seeking public comment on recent regulatory changes to the federal Family Medical Leave Act (FMLA) and how they align with the Oregon Family Leave Act (OFLA). The Bureau of Labor and Industries (BOLI) will take comments throughout the month, including at three public forums scheduled for late February. After receiving and reviewing the comments, the Commissioner will determine if any changes should be made to make Oregon leave law rules more similar to federal regulations.

The new federal regulations were implemented by the U.S. Department of Labor, which enforces FMLA, on January 16, 2009. New FMLA regulations are applicable to Oregon employers of 50 or more employees, who are required to comply with both FMLA and OFLA. BOLI, which enforces OFLA protections, has reviewed the changes and identified several new inconsistencies between state requirements and the new federal regulations. (A chart summarizing the differences is attached, or you can download it from <http://www.oregon.gov/BOLI>.)

“It is essential for Oregon to keep our leave law strong,” said Commissioner Avakian. “But it doesn’t help workers if employers covered by both OFLA and FMLA get bogged down in differing rules. I want to hear from both employers and employees about the impact of the new federal requirements before considering changes to Oregon’s practices.”

Persons wishing to comment may attend one of the following forums and present comments orally and/or in writing. Oral comment time may be limited. Written comments may be sent to Amy.K.Klare@state.or.us or to Amy Klare, BOLI Civil Rights Administrator, 800 NE Oregon St. #1045, Portland, OR 97232. Written comment must be received by 5pm on March 6, 2009.

Eugene

Thursday, February 26
City of Eugene
City Council Chambers
777 Pearl Street
Eugene, Or 97401
4:00-6:00pm

Portland

Tuesday, February 24
Portland State Office Building
800 NE Oregon St., Room 1-B
Portland, OR 97232
4:00-6:00pm

Portland

Thursday, February 26
Portland State Office Building
800 NE Oregon St., Room 1-B
Portland, OR 97232
4:00-6:00pm

If, after taking public comment, the Commissioner determines changes to Oregon leave law regulations are needed, the Bureau of Labor and Industries will begin a formal rulemaking

(continued)

The mission of the Bureau of Labor and Industries is to protect employment rights, advance employment opportunities, and protect access to housing and public accommodations free from discrimination.

process. Regarding a possible rulemaking, Commissioner Avakian said:

“I intend to preserve the higher standard of protections that Oregonians are entitled to under OFLA, while reducing the complications and conflicts between our rules and the federal rules. I want Oregon employers to have clear guidance on the applicability of both OFLA and FMLA and how to comply with the new regulations. Oregon has a long standing tradition of a more generous family leave benefit, but we need to ensure, under the new federal rule, that employers are able to comply with both standards.”

Forum locations are accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Marcia Ohlemiller, 971-673-0784, TTY 971-673-0766.

#####