

## **New Temporary Oregon Family Leave Act (OFLA) Rule Allows Employees to Use Sick Child Leave for Absences to Care for the Employee's Child Whose School or Place of Care Has Been Closed To Limit Spread of Covid-19**

On Wednesday, March 18, 2020, the Oregon Bureau of Labor & Industries (BOLI) issued an emergency Temporary Administrative Order amending the OFLA rules regarding permissible purposes for taking OFLA leave to allow for parents' absences during school closures in conjunction with a statewide public health emergency. Specifically, sick child leave now includes "absence to care for an employee's child whose school or place of care has been closed in conjunction with a statewide public health emergency declared by a public health official."

The recent statewide school closures by Governor Kate Brown based on recommendations from the Centers for Disease Control and Prevention (CDC) to alleviate the public health threat posed by COVID-19 qualifies as such a statewide public health emergency. Previously, sick child leave could be taken only to care for an employee's child suffering from an illness, injury, or condition that requires home care but is not a serious health condition. The new temporary rule allows the employee to take OFLA leave even if the individual child is not sick. As with all OFLA leave, this leave is not paid unless employees use available paid time off they have available, but it is protected.

The temporary rule is effective from March 18, 2020, through September 13, 2020. A copy of the temporary rule (amending OAR 839-009-0230) is linked [here](#).