**CHANGES TO SB 454 SINCE LAST SENATE CAUCUS DISCUSSION**

**Employer Size for Paid Leave**

* 10, with Portland grandfathered at 6
* Calculation is based on average payroll during the previous year, which provides employers with stability and predictability. Employers that had an average of 10 or more employees for 20 weeks of that year meet the threshold. (20 weeks is the OFLA standard.)
* New businesses (that lack a sufficient number of weeks of experience in the previous year) may combine previous year and current year.
* Businesses based in Portland use the Portland standard, businesses based outside of Portland use the state standard, irrespective of where their workers are working. Again, this creates simplicity and solves problems that have arisen in Portland when workers are on temporary jobs there.

**Preemption**

* Aside from giving Portland a lower employer-size standard, all aspects of the policy will be consistent statewide.

**Clarifications Around PTOs and Other Existing Employer Benefit Programs**

* New language in Section 4 clarifies that employers who have existing sick leave or PTO programs that are equivalent to SB 454 do not need to recreate their programs.
* A program is “equivalent” if it meets the minimum requirements for
  + Hours available (40 hours per year)
  + Purposes of leave (for self-care or care of identified family members)
  + Accrual rate (1 hour leave for every 30 hours worked, though this can be waived if employer front-loads the benefit—see below)
  + Increment of use (minimum 1 hour, 4-hour minimum under certain circumstances—see below)
  + Waiting period no greater than 90 days for initial use
* Accrual requirements are waived if an employer “front-loads” the benefit—i.e., makes at least 40 hours of leave available at the beginning of each year.

**Exception to the 1-hour Increment of Use Requirement**

* Employer can require that leave be taken in 4-hour increments if two conditions are met:
  + Employer provides 56 hours of leave per year
  + If the employer would face undue hardship if employee took leave in smaller increments, based on the difficulty of securing a replacement worker
* BOLI will adopt rules for defining and implementing the previous bullet.