

Regarding: Change in the Federal Family Medical Leave Act (FMLA) Leave Calculation Method and Measurement Period

The Federal Family and Medical Leave Act (FMLA) provides eligible employees with 12 weeks of qualifying leave within a 12-month period. **Effective September 1, 2023**, Southern Oregon University will change its method for calculating an employee's available FMLA leave from a 12-month "rolling backward" to a 12-month "rolling forward" measurement period.

Using the "rolling-backward" measurement period, the current process is to "count or look backwards" for 12 months prior to the leave effective date and add the total amount of FMLA used (if any) during that look-back period. If leave was used, that time is then subtracted from the employee's 12-week maximum entitlement. The remaining balance is the amount of FMLA protected leave currently available for the employee's use.

Using the "rolling-forward" measurement period, SOU's method for calculating the 12-weeks of available leave will "count or look forward" for the 12-month period measured forward from the date the employee's leave begins.

This Change is Effective September 1, 2023 and is designed to most closely align the FMLA measurement period, with the mandated changes to the Oregon Family Leave Act (OFLA) measurement period and with Paid Leave Oregon (PLO) measurement period. Both of which use a 12-month rolling forward method defined as, "A period of 52 consecutive weeks beginning on the Sunday immediately preceding the date on which family leave commences."

During the initial implementation period employees currently using their federal FMLA entitlement will not be negatively impacted as a result of the change in calculation method.

Please contact Michele Barlow, Assistant Director of Human Resources/ Accessibility Coordinator, with any questions or concerns: barlowm@sou.edu or 541 552-8119.

SB999 (OFLA) - A period of 52 consecutive weeks beginning on the **Sunday immediately preceding** the date on which family leave commences

OAR 471-070-1000 (PFMLI) - (3) "Benefit year" means a period of 52 consecutive weeks beginning on the **Sunday immediately preceding** the day that family, medical, or safe leave commences for the claimant, except that the benefit year shall be 53 weeks if a 52-week benefit year would result in an overlap of any quarter of the base year of a previously filed valid claim. A claimant may only have one valid benefit year at a time.

CFR Part 825 FMLA of 1993: "The 12-month period measured forward from the date any employee's first FMLA leave under paragraph (a) begins;