

# Employer Announcement #102

## Paid Leave Oregon and PERS Reporting

### September 2023

The Oregon Employment Department's Paid Leave Oregon (PLO) program (passed in 2019 under [House Bill 2005](#)) allows Oregon employees to take a paid leave of absence to care for themselves or their families. PLO recipients are paid directly by the program every week. The amount an employee receives depends on how much they earned the year before.

Learn about the program on the [Paid Leave Oregon website](#).

The purpose of this employer announcement is to provide an overview of:

- When and how to report PLO contributions to the program that are “picked up” by the employer.
- When and how to report an employee's PLO leave to PERS.
- When and how to report wages an employee receives during their PLO leave.

Detailed instructions are provided in [employer reporting guide 13, Family and Medical Leave](#).

**Note:** Paid Leave Oregon is a new state program and may be subject to change. For the latest information on Paid Leave Oregon, go to [their website](#). If PERS must update guidelines for reporting PLO to PERS, we will inform you by email and in [Employer News](#).

## Reporting contributions paid to the Paid Leave Oregon program

- Employee contributions to Paid Leave Oregon are not reported.
- Employer payments for OPSRP members to cover the employee's contribution (called “employer pick-up”) are reported to PERS.

Instructions are provided in [employer reporting guide 13, Family and Medical Leave](#).

## Reporting PLO leave to PERS

### Paid Leave Oregon programs

Before you determine whether to report a PLO leave and PLO payments to PERS, you need to know what type of PLO plan your organization has. Per the Oregon Employment Department, employers have three options for how they participate in the program.

#### State-run plan

This is the Paid Leave Oregon plan. Payments are made by the Oregon Employment Department.

The payments are not reported to PERS.

#### Third party–run equivalent plan

This is your organization’s contracted plan, approved by the Oregon Employment Department. It is contracted through a third party and payments are made by the third party (e.g., an insurance company).

The payments are not reported to PERS.

#### Employer-run equivalent plan

This is your organization’s plan, approved by the Oregon Employment Department. It provides benefits that are equal to or greater than the benefits PLO provides. Payments are made to the employee directly from your organization.

The payments are reported to PERS.

## Reporting employee’s leave

Report your employee’s PLO leave to PERS only when all the following apply:

- Your organization’s PLO plan is the state-run plan or a third party–run equivalent plan. *Do not report an employee as on a family leave if they are receiving payments from an employer-run equivalent plan.*
- They are not receiving any accrued leave pay, such as sick leave, holiday, vacation, compensatory time, or other paid time off.
- Their leave constitutes 11 or more business days in a calendar month. The days do not have to be consecutive.

If their PLO leave checks all the boxes above, report your employee’s leave by submitting a Detail 1 record with a **03 – On Family Leave** status code. Instructions are available in [employer reporting guide 13, Family and Medical Leave](#).

**Note:** Employees do not receive PERS service/retirement credit for any month in which they are reported as on a leave without pay (LWOP) of 11+ business days.

## Reporting PLO payments to PERS

Only report PLO benefit payments to PERS that the employee receives directly from the employer. This includes:

- Payments from an employer-run PLO plan.
- Sick leave, vacation, or other accrued paid leave.

Report the payments the same way you report sick leave, vacation, and other paid time off: On a Detail 2 record as regular wages (qualifying or nonqualifying, as applicable), subject salary. Include equivalent hours. Include IAP contributions for qualifying positions.

### Reporting employee PLO payments

Paid leave program	Payments treated by PERS as	Service time earned during PLO leave?
State-run plan	Non-subject salary.* <input checked="" type="checkbox"/> Do not report payments to PERS.	No.
Third party-run equivalent plan	Non-subject salary.* <input checked="" type="checkbox"/> Do not report payments to PERS.	No.
Employer-run equivalent plan	Subject salary. <input checked="" type="checkbox"/> Report payments to PERS.	Yes (employee is receiving employer pay and is not on an LWOP).

\*PERS reporting requirements may change depending on how the benefit payments are reported on the federal level. If the payments from the state-run plan or third party-run equivalent plan will be included as income on the employee's W-2 tax form from the employer, the employer will need to report the payments as non-subject salary in EDX to account for the discrepancy between the "gross wages" and what counts as "subject salary" for PERS purposes. If the payment is not included as income on their W-2 (i.e., if the benefit is reported on a Form 1099-MISC or other IRS form), there is no need to report the payments to PERS. Instructions are available in [employer reporting guide 13, Family and Medical Leave](#).

## For assistance

For assistance with reporting, contact your [ESC representative](#).