

Oregon Leave Laws

This material is for general informational purposes only and does not constitute legal advice. For current and accurate guidance, please consult legal counsel in your jurisdiction.

Oregon Leave Laws	1
Paid Time Off (PTO) in Oregon	2
Vacation Leave Quota	2
Accruals	2
Roll Over (Carry Over, Brought Forward)	3
Statutory Provisions Addressing Vacation Pay	3
Payment of Accrued, Unused Vacation on Termination	3
Sick Leave in Oregon	4
Federal Laws – Leave Quota	4
Oregon State Laws – Sick and Safe Leave	5
Maternity, Paternity, FMLA in Oregon	6
Federal Law	6
Oregon Family Leave Act (OFLA)	7
Paid Leave Oregon	8
Bereavement Leave in Oregon (Funeral Leave)	9
Jury Duty Leave in Oregon	9
Payout	10
Military Leave in Oregon	10
Federal law	10
Oregon State Law	11
Oregon Military Family Leave Act (OMFLA)	11
Voting Leave in Oregon	12
Oregon State Holidays in 2025	12
A complete list of holidays celebrated in Oregon in 2025:	12
2026	13

Paid Time Off (PTO) in Oregon

Vacation Leave Quota

Oregon laws don't demand vacation days.

Private employers in Oregon are not required to provide paid or unpaid vacation.

Although it is not required by law, most employers in the private sector offer 10 paid days off after completing one year of work.

So, if employers choose to offer vacation leave to their employees, paid or unpaid, it must be in accordance with appropriate state law, established company policy, and the employment contract.

Accruals

The accrual system is not mandatory in Oregon; however, it's commonly used by most companies.

Employers are generally free to design their own vacation accrual system, such as daily, weekly, bi-weekly, semi-monthly, or monthly accruals. It is usually based on the pay period. The official payroll frequency in Oregon is monthly, which means that employers are required to compensate most hourly workers through a regular payday, at the very least monthly.

Employers can cap (limit) the amount of vacation time employees can accrue, but employees must be properly notified about this.

Roll Over (Carry Over, Brought Forward)

A Use-It-or-Lose-It policy is allowed.

A “use-it-or-lose-it” employee vacation policy requires an employee to lose any unused vacation time after a specific date, such as the end of the year.

A use-it-or-lose-it policy is not addressed by state statutes in Oregon, which means that employers can apply it.

Statutory Provisions Addressing Vacation Pay

If the paid vacation is offered, it is considered wages.

Vacation time earned is considered part of an employee’s wages if the organization has established policies or has a history of paying employees for this type of time off.

Payment of Accrued, Unused Vacation on Termination

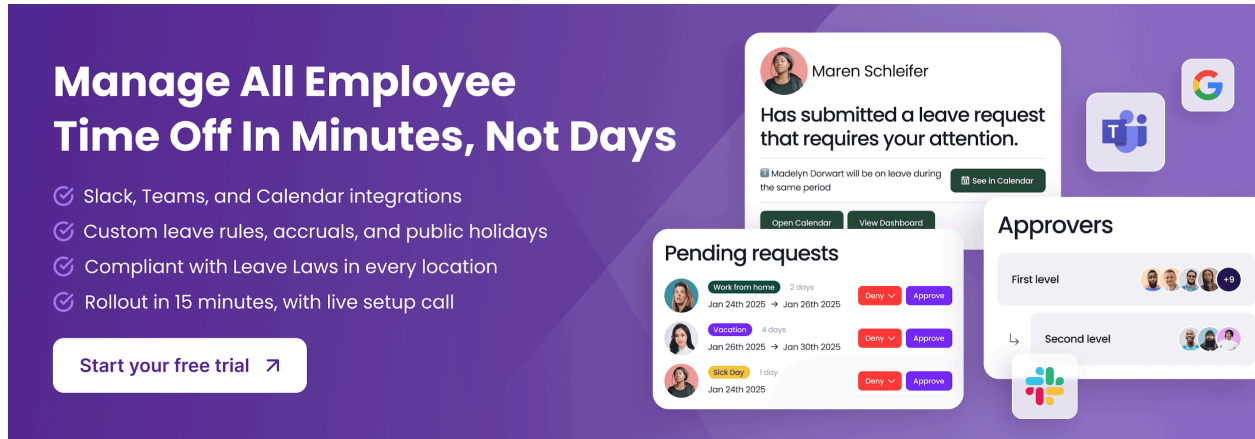
Payment of accrued, unused vacation upon separation is not required by state law.

An employer may legally establish a policy or contract that denies employees payment for accumulated vacation time upon their departure from the company.

An employer is required to include an accrued, unused vacation in an employee’s final wages only if:

- a) the company policy or employment contract is silent on this matter.
- b) the company policy or employment contract requires this.

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Sick Leave in Oregon

Federal law requires 12 weeks of unpaid sick leave. Oregon sick leave covers all employers (paid or unpaid).

Federal Laws – Leave Quota

Federal law requires 12 weeks of unpaid sick leave.

The standard federal Family and Medical Leave Act (FMLA) applies to Oregon (as it is in all the states in the U.S.A). The leave is job-protected.

Employees qualify for FMLA benefits only if:

- they have been employed for at least 12 months (at least 25 hours per week) or 1,250 hours in the previous year
- they work in a location where at least 50 people are employed by the company (in a 75-mile radius)

The FMLA entitles qualified employees to take up to 12 weeks off for:

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- personal medical reasons – illness or injury
- to care for a close family member (child, spouse, or parent) suffering from a severe illness
- maternity or paternity leave.

Check out our article on [FMLA](#) to learn more.

Oregon State Laws – Sick and Safe Leave

[1 hour for every 30 hours worked.](#)

All Oregon employers are required to provide employees with state sick leave.

Employers with 10+ employees (6+ employees in the city of Portland) must provide paid leave.

Employers with less than 10 employees (less than 6 in Portland) must provide unpaid leave.

Employers are required to give 1 hour for every 30 hours worked or one and one-third hour for every 40 hours worked. Frontloading is permitted. The annual accrual cap is 40 hours.

Employees are allowed to use a maximum of 40 hours per year. Leave is job-protected.

Employees start to accrue sick leave immediately upon hire, but they must wait for a minimum of 90 days before they are able to use it.

Employees are able to roll over up to 40 hours of unused paid sick leave from one year to the next. Nevertheless, the employer can set a limit of 80 hours for the total amount of sick leave an employee can accrue. On the other hand, employers who front-load sick leave at the beginning of the year are not required to allow their employees to roll over unused hours.

Sick leave covers the following reasons:

- employee's or a family member's illness, injury or condition;

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- preventive care;
- to care for an infant or newly adopted child or newly placed foster child;
- employee's or family member's serious health condition;
- to care for a child who does not have a serious health condition, but needs home care;
- reasons related to domestic violence, harassment, sexual assault or stalking;
- bereavement;
- donation of sick leave time to co-worker (if allowed by employer).

Payout

Sick leave in Oregon is paid by an employer, if an employer has 10+ employees (6+ employees in the city of Portland).

Maternity, Paternity, FMLA in Oregon

Federal Law

12 weeks of unpaid maternity/paternity leave is provided by FMLA.

The Family and Medical Leave Act (FMLA) is a federal law that allows eligible workers to take up to 12 weeks of unpaid, job-protected leave per year for family or medical reasons, including maternity or paternity leave. Unless otherwise authorized by the employer, an employee must take this leave continuously. More information about FMLA eligibility can be found above, under the section *Sick Leave in Oregon: Federal Laws – Leave Quota*.

The Pregnancy Discrimination Act (PDA) is one more federal law that protects pregnant women. According to the PDA, discrimination against pregnant people is prohibited in all areas of

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employment: hiring, firing, pay, job assignments, promotions, fringe benefits, training, leave, and health insurance.

Oregon Family Leave Act (OFLA)

Employers with 25+ employees must offer up to 12 weeks in any 1-year period for pregnancy disability. An additional leave can be taken for parental leave (12 weeks) and sick child leave (12 weeks) for a maximum of 36 weeks.

Oregon employers with a workforce of 25 or more employees are obligated to offer family and medical leave to qualified employees. Employees who have worked for a covered employer for at least 25 hours per week in the past 180 calendar days qualify for this leave.

UPDATE: Effective January 1, 2022, employees who work an average of 25 hours a week in the 30 calendar days (instead of 180) immediately preceding their leave may be eligible for OFLA.

Employees can take up to 12 weeks of time off per year for the following reasons:

- Parental leave (to care for a newborn child or an adopted or foster child under 18 years old) If an employee uses all 12 weeks on parental leave, he/she can take up to 12 more weeks to care for a sick child.
- Serious health condition (employee's own or a family member's health condition)
- Pregnancy disability leave (prenatal care (before birth) and postpartum care (after birth)) Women taking any pregnancy disability leave are allowed an additional 12 weeks for any OFLA purpose.
- Sick child leave (for an employee's child with a non-serious health condition that requires home care) Employees can also take OFLA leave if their child's school or childcare provider is closed due to a statewide public health emergency, like the COVID-19 pandemic-related school closures.

- Military family leave (see more in the *Military Leave in Oregon* section below)
- Bereavement leave (up to 2 weeks; see more in the *Bereavement Leave in Oregon* section below)

Companies with 50+ employees are also subject to FMLA. When the leave is covered by both the FMLA and OFLA, employers must apply the provisions that are more generous to employees.

OFLA leave is unpaid, but employees may use vacation, sick, or other available paid leave.

However, paid family leave is coming to Oregon in September 2023. (see more below in the *Paid Leave Oregon* section)

Paid Leave Oregon

Contributions began: January 1, 2023

Employees can begin applying for benefits: September 3, 2023

Social Insurance

Up to 12 weeks of job-protected paid leave in a 52-week period are available for family, medical, or safe leave.

Eligibility Requirement (Wages or Tenure in One-Year Base Period): \$1,000

Payroll Deduction Rate: 1.00%

Who pays the premium? Employee: 60%, Employer (with more than 25 employees): 40%

Types of leave:

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- Family leave (birth/adoption of a child, or to care for a family member with a serious health condition)
- Medical leave (employee's serious health condition)
- Safe Leave (survivors of sexual assault, domestic violence, harassment, or stalking)

Bereavement Leave in Oregon (Funeral Leave)

Employers with 25+ employees must provide up to 2 weeks.

Oregon requires certain employers with 25 or more employees to provide employees with up to 2 weeks of bereavement leave after the death of a family member, under the Oregon Family Leave Act (OFLA). Employers with less than 25 employees aren't required to provide bereavement leave.

All employers are covered under the sick and safe time law (see more above in the *Oregon State Laws – Sick and Safe Leave* section).

Payout

Bereavement leave in Oregon is unpaid.

Jury Duty Leave in Oregon

Employers must provide employees unpaid time off for jury duty.

Employers are required to provide employees with unpaid, job-protected leave to report to jury selection or jury duty. Notice requirements do apply, so employees may have to show their employer their jury summons (within a reasonable period of time after receiving it) to be given the necessary leave.

An employer is not allowed to force its employees to use any other type of leave (vacation time, sick leave, etc.) to cover leave taken for jury duty.

An employer may not fire, threaten to fire, penalize, or punish the employee in any way due to their jury service.

Payout

The employer pays:

Employers in Oregon are not required to pay employees for jury duty leave.

The court pays:

Employees who serve as jurors in Oregon are paid \$10.00 a day (though juror pay is only a token amount).

Military Leave in Oregon

All employers in the U.S. must comply with USERRA. Unpaid leave for militia. Up to 14 days of unpaid leave, under OMFLA.

Federal law

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The Uniformed Services Employment and Reemployment Rights Act (USERRA) is a federal law that applies to employers of all sizes and types in the U.S. USERRA protects employees called to active duty in the U.S. military, including the U.S. Armed Forces, Reserves, and National Guard. USERRA provides reinstatement rights, protection from discrimination, the right to continue group health care benefits for up to 24 months during their leave, and up to 5 years of unpaid leave for military service (with exceptions to this 5-year limit).

Oregon State Law

Employees who are members of the organized militia in Oregon or other states can take unpaid leave if they are called to active state duty. Upon returning to work, they are entitled to their previous position with no loss of benefits or seniority, including sick leave, vacation, or pension plan credits. However, they must report back to work within seven days of being released from service.

Oregon Military Family Leave Act (OMFLA)

Oregon employers with 25+ employees are required to provide eligible employees with up to 14 days of unpaid leave for military family reasons. This applies when an employee's spouse or same-sex domestic partner is called to active duty or has impending leave from deployment during a period of military conflict. To qualify for this leave, an employee must have worked for the employer for at least 180 days prior to taking leave and have worked an average of at least 25 hours per week during that period.

If an employee's spouse is a member of the U.S. Armed Forces, National Guard, or military reserves and has an impending call to active duty or leave from deployment, the employee is eligible for OMFLA leave.

Payout

For more information, please visit vacationtracker.io

Military leave is unpaid.

Voting Leave in Oregon

Not required by state law.

Oregon law does not require employers to grant their employees time off to vote on Election Day.

About half of the states in the U.S. provide time off for voting, but Oregon is not among them.

Payout

Voting leave is unpaid.

Oregon State Holidays in 2025

Oregon law doesn't require private employers to provide employees with paid or unpaid holiday leave.

Private employers in Oregon are not required to provide paid or unpaid leave for holidays.

Private employers can require all employees to work on holidays. However, the majority of employers in Oregon do provide at least several paid holidays.

Oregon officially observes 9 state holidays.

A complete list of holidays celebrated in Oregon in 2025:

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Holiday	Observed in 2025	General Date
New Year's Day 2025	Wednesday, January 1	January 1
Martin Luther King, Jr.	Monday, January 20	3rd Monday in January
Presidents' Day	Monday, February 17	3rd Monday in February
Memorial Day	Monday, May 26	Last Monday in May
Independence Day	Friday, July 4	July 4
Labor Day	Monday, September 1	1st Monday in September
Veterans Day	Tuesday, November 11	November 11
Thanksgiving Day	Thursday, November 27	4th Thursday of November
Christmas Day	Thursday, Dec. 25	December 25

When a holiday falls on a weekend, holidays are moved from Saturday to Friday and from Sunday to Monday.

2026

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Holiday	Observed in 2026	General Date
New Year's Day 2026	Thu, Jan 1, 2026	January 1
Martin Luther King, Jr.	Monday, January 19	3rd Monday in January