

MEMORANDUM OF UNDERSTANDING #2023-04
BETWEEN THE CITY OF COLUMBUS
AND AFSCME, OHIO COUNCIL 8, LOCAL 1632
REGARDING PAID FAMILY LEAVE

Pursuant to Section 32.3 of the Collective Bargaining Agreement between the City of Columbus and the American Federation of State, County, and Municipal Employees, Ohio Council 8, Local 1632, the parties hereby agree to a Paid Family Leave benefit for each full time employee as outlined below:

Paid Family Leave

Effective as soon as practicable after the execution of this memorandum of understanding, each full-time employee shall be granted up to twelve (12) weeks of Paid Family Leave (PFL), on a gender neutral basis, at one hundred percent (100%) of the employee's regular straight time wage per rolling twelve- (12) month period measured backward from the date leave begins. The City shall comply with the Family Medical Leave Act ("FMLA") and any current or future amendments to the Act.

Employee Eligibility

Full-time employees are eligible for PFL on the first day of the first month following their date of hire. Employees are entitled to twelve (12) weeks of PFL per rolling twelve- (12) month period. PFL does not accrue and cannot be carried over beyond the rolling twelve- (12) month period. PFL is limited to twelve (12) weeks of paid leave per rolling twelve- (12) month period regardless of the number of eligible uses that occur within that twelve- (12) month period.

Eligible Uses

Paid Family Leave shall be allowed for full-time employees in the following situations:

- (A) Birth of a Child. Eligible uses include birth of a child, pregnancy complications (as defined and/or qualify as a serious health condition under the FMLA), a miscarriage, or a stillbirth. The employee must be the birth parent, a biological parent, the spouse of a birth or biological parent, or the domestic partner of a birth or biological parent. The employee may use any or all of the twelve (12) weeks of PFL within the twelve (12) months immediately following the date of the event giving rise to the eligible use. Any unused leave expires twelve (12) months after the date of the event giving rise to the eligible use.

- (B) Placement of a Child for Adoption or Foster Care. The employee must be the adoptive parent or the spouse or domestic partner of the adoptive parent and must reside in the same household as the newly adopted or foster-care-placed child. The employee becomes eligible to use PFL on the date of the child's permanent placement for adoption or initial placement for foster care and may use any or all of the twelve (12) weeks of PFL within the rolling twelve- (12) months immediately following the placement. Any unused leave expires twelve (12) months after the child's placement.

- (C) Family Caregiving. The employee is entitled to PFL to care for a Covered Family Member with a serious health condition. The definitions of spouse, parent, child, and serious health condition are consistent with FMLA's definitions of the same, except that for purposes of PFL for family caregiving "parent" also includes a parent-in-law and "spouse" includes domestic partners. In addition, PFL for family caregiving may also be used to care for siblings (defined as "biological, adopted, foster, step, and sibling-in-law"). Any unused leave expires twelve (12) months after the first day on which PFL is taken to care for the Covered Family Member's serious health condition.

Coordination with Other Leave

- (A) FMLA. Employees may be eligible for PFL even though they are not eligible for FMLA leave. For employees who are on PFL at the time they become eligible for FMLA, their PFL will run concurrently beginning with their first day of FMLA eligibility. For employees who are eligible for FMLA on the first day they use PFL, PFL will run concurrently with FMLA. Any PFL granted for reasons permissible and eligible as FMLA leave shall count toward the twelve (12) week per year limitation and will be run concurrently with FMLA.
- (B) Short-Term Disability ("STD"). Employees who are eligible for a STD benefit due to their own medical condition that would also qualify them for PFL may choose to first use the STD benefit prior to using PFL, also commonly referred to as "stacking" the benefits. The employee may also choose to use a portion of the PFL coverage to supplement their STD benefit to cover any pay/salary gap between the STD benefit and their regular bi-weekly wages. After the employee's STD benefit is exhausted, the employee may then choose to use any remaining portion of their twelve (12) weeks of PFL at their regular full pay rate.

Continuation of Benefits While on PFL.

While an employee is on PFL, sick leave entitlement and vacation accruals, PERS contributions and all employee benefits shall continue uninterrupted and the City shall maintain applicable insurance benefits for the employee.

Procedures and Qualifications

- (A) Employees shall give their Department/Division Human Resources notice of the intent to use PFL as soon as practicable under the circumstances of each eligible use.
- (B) Employees may use PFL in one continuous block of time, on scheduled intervals, or intermittently.
- (C) PFL may be used in increments of one tenth (1/10) of an hour.
- (D) The City may, in its sole discretion, require submission of supporting documentation for an employee's request for PFL.

- (E) PFL may be used for multiple eligible reasons in any rolling twelve- (12) month period, provided however that the benefit will not exceed twelve (12) weeks of leave in any rolling twelve- (12) month period regardless of the number of eligible uses the employee may experience during the same time period.
- (F) PFL hours are not eligible for cash payout, do not carry over from year to year, and are not eligible for leave donation. Use of PFL shall not affect the employee's anniversary date for increases or seniority, nor will it constitute a break in service for computing service credits for Civil Service examinations.
- (G) Under Article 16, for purposes of overtime calculations, paid status shall not include PFL. Furthermore, under Article 17, PFL is an approved use of leave for holiday pay eligibility.
- (H) Upon the effective date of the PFL benefit, employees will no longer be able to use sick leave benefits for maternity, paternity and adoption leave under Article 20, Section 20.2(A)(5).
- (I) Upon the effective date of the Paid Family Leave benefit, the Paid Parental Leave MOU #2017-09 and Paid Caregiver Leave MOU #2017-10 (updated 2021) shall immediately terminate. Any employee on leave for an eligible use of PFL shall upon the initial rollout of PFL, be entitled to use PFL to cover any remaining leave, provided the length of leave does not exceed twelve (12) total weeks, inclusive any unpaid leave, STD-covered leave and paid PFL leave.
- (J) An employee on PFL shall not work for another employer while on leave.

An ordinance will be submitted to City Council requesting its acceptance of this MOU.

FOR THE CITY:



Nichole M. Brandon
Director of Human Resources

9/13/2023

Date

FOR AFSCME:



Tony Schroth, Staff Representative
AFSCME, Ohio Council 8

9/5/2023

Date

Angela Williams

Angela Williams, President

AFSCME, Local 1632

9-5-2023

Date