

**Attachment to Ordinance #2472-2023
Amending Management Compensation Plan (MCP) #2713-2013,
as amended**

Amend Section 3 to read as follows:

SECTION 3. DEFINITIONS.

“Family” – A spouse, domestic partner provided the terms of Ordinance No. 1077-2010, as amended, are met, son, daughter, brother, sister, parent, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepsister, stepbrother, stepson, stepdaughter, half-brother, half-sister, and legal guardian or other person who stands in the place of a parent. [Note: This definition does not apply to the Family and Medical Leave Act or Paid Family Leave.]

Amend Section 8(B) to read as follows:

SECTION 8. OVERTIME ELIGIBILITY AND PAY AND COMPENSATORY TIME.

(B) Overtime Eligibility and Pay.

- (4) For purposes of this Paragraph, the term “time worked” shall mean only actual work time, time off for holidays, vacation, compensatory time, military leave, and jury duty. “Time worked” shall not include Paid Family Leave, or any unpaid time or paid time not included in this definition.

Amend Section 9(B) to read as follows:

SECTION 9. HOLIDAY ELIGIBILITY PAY.

(B) Eligibility Pay.

- (2) For each holiday observed (including the employee’s birthday), an employee shall be excused from work on such day at the discretion of the Appointing Authority. If one of the holidays mentioned in Section 9(A) occurs while an employee is on vacation leave or PFL, such day shall be charged as a holiday. Part-time and seasonal employees will only be compensated for time actually worked on holidays.

Amend Section 10(J), 10(K), and enact 10(M) to read as follows:

SECTION 10. SPECIAL LEAVE WITH PAY.

- (J) Paid Parental Leave (PPL). Full-time City employees in classifications listed in Sections 5(C), (D) and (E) of this Ordinance, who meet the following criteria, are eligible for up to six (6) weeks of PPL. **Upon the effective date of the Paid Family Leave benefit on October 1, 2023, Paid Parental Leave (PPL) 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 of any unpaid leave, STD-covered leave and paid PFL leave.**
- (K) Paid Caregiver Leave (PCL). Full-time City employees in classifications listed in Sections 5(C), (D) and (E) of this Ordinance, who meet the following criteria, are eligible for up to four (4) weeks of PCL. **Upon the effective date of the Paid Family Leave benefit on October 1, 2023, Paid Caregiver Leave (PCL) 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 of any unpaid leave, STD-covered leave and paid PFL leave.**
- (M) **Paid Family Leave (PFL). Effective October 1, 2023, 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.**
- (1) **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.**

(1) Eligible Uses.

- (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 for 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.

(2) 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.

(3) Continuation of Benefits While on PFL. While an employee is on PFL, sick leave entitlement and vacation/PTO accruals, PERS contributions and all employee benefits shall continue uninterrupted and the City shall maintain applicable insurance benefits for the employee.

(4) 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) Upon the effective date of the Paid Family Leave benefit, the Paid Parental Leave and Paid Caregiver Leave 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 of any unpaid leave, STD-covered leave and paid PFL leave.
- (h) An employee on PFL shall not work for another employer while on leave.

Amend Section 11(C) to read as follows:

SECTION 11. LEAVE OF ABSENCE WITHOUT PAY.

- (C) Family Medical Leave Act. Employees who have worked for the City for at least twelve (12) months, and have worked for at least 1,250 hours over the twelve (12) month period preceding the leave, shall be eligible for up to twelve (12) weeks of unpaid leave per twelve (12) month period for eligible purposes. The final regulations promulgated in 1994 of the Family Medical Leave Act, as amended, are hereby incorporated as fully rewritten. Further, the City will maintain the practice of computing the twelve (12) month period as a rolling twelve (12) month period measured backward from the date leave is used. Finally, all accrued sick leave, and disability leave if

applicable, and vacation, in that order, must be utilized for any FMLA leave taken for any FMLA-qualifying reason, **except for reasons that qualify for and for which Paid Family Leave is granted under Section 10.** Any paid leave taken shall run concurrently with FMLA.

Amend Section 14(B) to read as follows:

SECTION 14. SICK LEAVE.

(B) Eligible Uses of Sick Leave with Pay; Procedures.

(1) Sick leave with pay will be at an employee's regular straight-time hourly rate and shall be allowed to full-time employees in one-tenth (1/10th) of an hour increments for the following purposes:

(f) Maternity, paternity and adoption leave **for employees until the effective date of the Paid Family Leave benefit under Section 10; thereafter, employees will no longer be able to use sick leave benefits for maternity, paternity, and adoption leave.**

Amend Section 15(A) to read as follows:

SECTION 15. DISABILITY PROGRAM.

(A) Disability Program Eligibility. The City will provide, at no cost to employees, a disability program covering full-time employees who are eligible to accrue leaves for non-work related illnesses and injuries. Employees must complete one (1) year of continuous City service before qualifying for disability; such benefits will become available at the first of the month following completion of one (1) year of continuous service. This program shall provide for payment to the employee from the twelfth (12th) day of accident or illness for employees in classifications listed in Sections 5(C), (D) and (E) of this Ordinance, for a maximum of twenty-six (26) weeks per disability per calendar year, at eighty-nine percent (89%) of the employee's standard gross wages Effective September 1, 2013, this program shall provide for payment to the employee from the twelfth (12th) day of accident or illness for employees in classifications listed in Sections 5(C), (D) and (E) of this Ordinance, for a maximum of twenty-six (26) weeks of disability benefits within a 365-day period, at eighty-nine percent (89%) of the employee's standard gross wages. Applicable federal, state and local flat tax rates and applicable Medicare charge(s) will be deducted. The employee may, if he/she so desires, elect to use all, or part, of his/her accumulated but unused sick leave **or Paid Family Leave, if applicable,** in order to make up any difference between one hundred percent (100%) of

his/her gross wages and the amount which he/she receives under the disability program, provided that all new (current year) sick leave accruals are exhausted before an employee may use the available balance in his/her Old Sick Leave Bank. If an employee exhausts all sick leave benefits, other approved leave may be granted by the Appointing Authority. During the period in which an employee receives such payments, he/she shall suffer no reduction in paid sick leave entitlement set forth in Section 14 of this Ordinance, as applicable. If, while receiving such payments, the employee performs work for the City or another employer, the amount of payment under the disability program shall be reduced by the compensation which he/she receives during that time period. The proper forms must be submitted to the City no later than forty-five (45) days from the commencement of the disability.