

**ATTACHMENT TO ORDINANCE NO. 2982-2023
AMENDING
POLICE MANAGEMENT COMPENSATION PLAN ORDINANCE NO. 2714-2013**

Amend Section 11(F) and repeal Section 11(G) to read as follows:

SECTION 11. SPECIAL LEAVE WITH PAY.

(F) **Paid Family Leave (PFL). Effective November 12, 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.**

(2) **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.

- (3) Coordination with 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.

- (4) Continuation of Benefits While on PFL. While an employee is on PFL, sick leave entitlement and vacation accruals, OP&F contributions and all employee benefits shall continue uninterrupted and the City shall maintain applicable insurance benefits for the employee.

- (5) 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 and paid PFL leave.
- (h) An employee on PFL shall not work for another employer while on leave.

~~Paid Parental Leave (PPL). Full-time City employees in classifications listed in Section 5 of this Ordinance, who meet the following criteria, are eligible for up to six (6) weeks of PPL.~~

- ~~(1) Employees must have:

 - ~~(a) Completed one (1) year of continuous full-time City service;~~
 - ~~(b) Worked for at least one thousand two hundred fifty (1,250) hours over the twelve- (12) month period preceding the leave;~~
 - ~~(c) Not taken any PPL in the preceding rolling twelve- (12) month period measured backward.~~~~

~~—(2)— PPL qualifying events are the following:~~

- ~~(a)— Birth of a child, provided the employee is the biological parent, or the spouse or domestic partner of the biological parent, or a legal guardian of the child.~~
- ~~(b)— Permanent placement of an adoptive child, provided the employee is the adoptive parent, or the spouse or partner of the adoptive parent, and must reside in the same household as the newly adopted child.~~

~~—(3)— PPL benefits are as follows:~~

- ~~(a)— The eligible leave period of six (6) weeks begins on the date of the qualifying event (i.e., birth of a child or permanent placement of an adoptive child). PPL is not intended to extend disability leave, and therefore will not be used at the end of disability leave following the same event.~~
- ~~(b)— Eligible employees may receive a total PPL benefit of six (6) weeks. This program shall provide for payment to the employee from the fifteenth (15th) day of the qualifying event for a maximum of four (4) weeks of PPL benefits at seventy percent (70%) of the employee's current salary.~~
- ~~(c)— Notwithstanding the provisions of Section 11(C) of this Ordinance, during the waiting period only, employees may elect to use sick leave, vacation leave, compensatory time or unpaid leave time.~~
- ~~(d)— During the six (6) weeks of PPL, the employee may, if he/she so desires, elect to use all, or part, of his/her accumulated but unused sick leave 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 PPL 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.~~
- ~~(e)— PPL must be taken as one continuous block of leave and may not be taken intermittently.~~

- ~~(f) Any PPL which is granted for reasons permissible under FMLA leave shall count toward the twelve (12) week per year limitation.~~
- ~~(g) While an employee is paid PPL benefits, vacation accruals shall cease. Holidays shall be paid at the PPL benefit rate as set forth in Section 11(F)(3)(b) of this Ordinance.~~
- ~~(G) Paid Caregiver Leave (PCL). Full-time City employees in classifications listed in Section 5 of this Ordinance, who meet the following criteria, are eligible for up to four (4) weeks of PCL.~~
 - ~~(1) Employees must have:

 - ~~(a) Completed one (1) year of continuous full-time City service;~~
 - ~~(b) Worked for at least one thousand two hundred fifty (1,250) hours over the twelve (12) month period preceding the leave;~~
 - ~~(c) Not taken any PCL in the preceding rolling twelve (12) month period measured backward.~~~~
 - ~~(2) PCL may be taken when the employee's covered family member has a serious medical condition as defined by the Family and Medical Leave Act (FMLA) requiring the employee's care.~~
 - ~~(3) Covered family members under the FMLA are the employee's spouse, son, daughter or parent as defined in the FMLA regulations.~~
 - ~~(4) PCL benefits are as follows:

 - ~~(a) The eligible leave period of four (4) weeks begins on the date the employee requests leave to care for an eligible family member with a serious health condition.~~
 - ~~(b) Eligible employees may receive a total PCL benefit of four (4) weeks. This program shall provide for payment to the employee from the fifteenth (15th) day of the qualifying event for a maximum of two (2) weeks of PCL benefits at seventy percent (70%) of the employee's current salary.~~
 - ~~(c) Notwithstanding the provisions of Section 15 of this Ordinance, during the waiting period only, employees may elect to use sick leave, vacation leave, compensatory time or unpaid leave time.~~~~

- ~~(d) — During the four (4) weeks of PCL, the employee may, if he/she so desires, elect to use all, or part, of his/her accumulated but unused sick leave 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 PCL 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.~~
- ~~(e) — PCL must be taken as one continuous block of leave and may not be taken intermittently.~~
- ~~(f) — Any PCL which is granted for reasons permissible under FMLA leave shall count toward the twelve (12) week per year limitation.~~
- ~~(g) — While an employee is paid PCL benefits, vacation accruals shall cease. Holidays shall be paid at the PCL benefit rate as set forth in Section 11(G)(4)(b) of this Ordinance.~~

Amend Section 15 to read as follows:

SECTION 15. FAMILY AND MEDICAL LEAVE ACT (FMLA) LEAVE.

Employees who have worked for the City for at least twelve (12) months, and have worked for a 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.