



Legislation Text

File #: CB 118356, Version: 2

CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL _____

An ORDINANCE relating to City employment; adding a new Chapter 4.27 to the Seattle Municipal Code to provide a Paid Parental Leave Benefit to eligible city employees; amending Seattle Municipal Code Subsection 4.20.055 to provide the Paid Parental Leave benefit to eligible temporary workers; and establishing other conditions of implementing the new benefit.

WHEREAS, the United States is the only developed nation in the world without paid parental leave; and

WHEREAS, the City of Seattle stands to become the first municipality in the region to offer paid parental leave and serve as a model to other employers in the region; and

WHEREAS, in 2014, the City Council and Mayor confirmed their commitment to promote gender equity in Resolution 31523 including a study on Paid Parental Leave; and

WHEREAS, the City hired the consultant firm of Towers Watson to review Paid Parental Leave programs in other jurisdictions and to evaluate the current access to paid time off City employees had at the time of birth or adoption of a newborn child; and

WHEREAS, the Towers Watson report indicates that other cities, such as San Francisco, Austin, Chicago and Washington D.C. provide a Paid Parental Leave benefit ranging from 2 to 12 weeks; and

WHEREAS, Towers Watson reviewed City employees' utilization of accrued sick leave and accrued vacation to care for newborn children; and

WHEREAS, the Towers Watson report indicates that approximately 230 City employees a year add newborn children to their families either through birth or adoption; the average tenure of these employees at the City is six years; women take more than twice as much total time off as men (18 weeks for women as compared to 7 weeks for men); and men take only paid time off, whereas women take both paid and

unpaid time off and take an average of eight weeks of unpaid time off; and

WHEREAS, while the City’s Family Medical Leave policy provides eligible City employees up to 90 calendar days of unpaid leave and city employees may use accrued paid time off for the care of a new child, there is no guarantee that all employees, particularly new employees, will have accrued paid time off to bond with a new child; and

WHEREAS, the City has determined that providing paid time off for working parents to care for a new child allows time to create and strengthen bonds between the child and parents and foster stronger families; and

WHEREAS, the City has determined that providing parents paid time off to bond with a new child can help the City retain and recruit talent, help employees to balance their responsibilities between work and home allowing them to become more productive and effective at their work; and

WHEREAS, increasing employee engagement and morale reduces costly employee turnover and helps ensure a diverse and inclusive workforce; and

WHEREAS, when men and women are equally incentivized to take parental leave, the perception of women as the sole family caregiver is diminished, minimizing bias against mothers and women in the workplace.

NOW, THEREFORE;

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new Chapter 4.27 is added to the Seattle Municipal Code as follows:

Seattle Municipal Code Chapter 4.27 -Paid Parental Leave

4.27.010. Definitions.

Unless another meaning is clearly indicated from the context, as used in this chapter:

“City” means the City of Seattle.

“Eligible employee” means an individual who has completed 6 months of City employment as an employee, as defined in the Seattle Municipal Code Subsection 4.04.030, or as a temporary worker eligible for benefits under Seattle Municipal Code Subsection 4.20.055(C).

“Reduced leave schedule” means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

“Single 12-month period” shall mean a 12-month period measured forward from the date of birth of a child, or placement of a child for adoption or foster care.

“Son or daughter” means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is:

1. Under 18 years of age; or
2. 18 years of age or older and incapable of self-care because of a mental or physical disability.

“Week” shall mean 40 hours, pro-rated for part-time employees.

4.27.020. Leave Provisions.

A. Eligible employees are entitled to up to four weeks of paid leave in addition to any paid and unpaid leave to which they may otherwise be entitled during any single 12 month period for one or more of the following:

1. The birth of a son or daughter of the employee and in order to care for such son or daughter.
2. The placement of a son or daughter with the employee for adoption or foster care.

Expiration of entitlement. The entitlement to paid leave under subsections A(1) and A(2) for birth or placement of a son or daughter shall expire at the end of the 12 month period beginning on the date of such birth or placement.

4.27.030 Notice.

A. In any case in which the necessity for paid leave under Section 4.27.020 A(1) or A(2) is foreseeable based on an expected birth or placement, the employee shall provide the City with at least 30 days’ notice, before the date of leave is to begin, of the employee’s intention to take leave, except that if the date of birth or placement requires the leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

4.27.040 Leave taken intermittently or on a reduced schedule.

A. Leave under Section 4.27.020 A(1) or A(2) shall not be taken by an employee intermittently or on a reduced schedule unless the employee and City agree.

4.27.050 Exhaustion of Other Paid Leave Not Required.

An employee need not exhaust his or her accrued sick leave, compensatory time and/or vacation leave prior to requesting and taking the Paid Parental Leave provided in this chapter.

4.27.060 Employment and benefit protection.

Eligible employees who have been granted leave under this chapter shall be entitled to the same employment and benefit protections consistent with the protections of the City's family and medical leave benefit in Seattle Municipal Code Section 4.26.050 and the rules promulgated pursuant thereto.

4.27.070 Certification Requirement.

A. The City may require employees to submit documentation to certify their eligibility for the Paid Parental Leave benefit. The Seattle Human Resources Director shall promulgate rules for the administration of such certification process.

4.27.080 Failure to Return to Work.

A. The City may recover the value of the Paid Parental Leave from the employee if the employee fails to return to work following his or her leave of absence.

4.27.090 Rulemaking.

The Seattle Human Resources Director is authorized and directed to promulgate rules consistent with this chapter.

4.27.100 Data Collection and Reporting.

City departments, via the City's payroll system, shall track data related to employees who utilize the Paid Parental Leave provided in this ordinance. The data should include employee gender, tenure with the city, hours of Paid Parental Leave used, job title, and employing City department at the time the leave was used. In addition, information on the approximate backfill cost to the City, by department, should be identified.

An annual report containing the above information shall be submitted to the Mayor and City Council. The first report is due on July 1, 2016, and shall be submitted every year thereafter unless the Mayor and Chair of the City Council's Parks, Seattle Center, Libraries and Gender Pay Equity committee, or its successor, agree an annual report is no longer necessary. Such agreement shall be in writing and filed with the City Clerk.

Section 2. Seattle Municipal Code Subsection 4.20.055 (D) is amended as follows:

D. Temporary workers in assignments identified in Subsection C as eligible for benefits shall receive the following benefits and wage progression at the same level and under the same conditions as regularly appointed employees as well as any other benefits that the City agrees to provide to temporary workers pursuant to an authorized collective bargaining agreement:

1. Participation in the City's medical, dental, vision, basic long-term disability and basic group term life insurance coverage;
2. Accrual and accumulation of paid sick leave as provided at Seattle Municipal Code Chapter 4.24
3. Accrual and accumulation of paid vacation as provided at Seattle Municipal Code Chapter 4.34
4. Paid funeral leave as provided at Seattle Municipal Code Chapter 4.28
5. Paid holidays as provided at Seattle Municipal Code Section 4.20.190
6. Time off for jury duty or witness testimony without loss of pay or paid leave as provided at Seattle Municipal Code Section 4.20.220
7. Wage progression as provided at Seattle Municipal Code Section 4.20.040 for assignments to job titles that correspond to regular titles associated with the Step Progression Pay Program; and, for assignments to job titles that correspond to regular titles associated with any of the City's discretionary pay programs, such pay adjustments or consideration for pay adjustments as may be provided for in the employing unit's internal policies and procedures, if any.
8. Paid Parental Leave as provided in Seattle Municipal Code Chapter 4.27.

Section 3. This ordinance shall apply to all eligible employees not represented by a union. Subject to collective bargaining, this ordinance shall also apply to those eligible employees who are represented by a union that agree with the provisions as expressed herein. This ordinance applies to Seattle Public Library (SPL) employees, subject to the approval of the SPL Board of Trustees and the conditions and administration of SPL's personnel system.

Section 4. The employee benefits described in this ordinance shall apply to the qualifying event of a birth, or placement for adoption or foster care that occurs on or after the effective date of this

legislation.

Section 5. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2015, and signed by me in open session in authentication of its passage this ____ day of _____, 2015.

President _____ of the City Council

Approved by me this ____ day of _____, 2015.

Edward B. Murray, Mayor

Filed by me this ____ day of _____, 2015.

Monica Martinez Simmons, City Clerk

(Seal)