

RESOLUTION NO. 2835

A RESOLUTION OF THE CITY OF SALISBURY TO CHANGE THE EMPLOYEE HANDBOOK SECTION 0505 FAMILY LEAVE TO PROVIDE PAID PARENTAL LEAVE.

WHEREAS, the City of Salisbury has an Employee Handbook; and

WHEREAS, the Mayor's Office and the Human Resources Department have reviewed the Employee Handbook; and

WHEREAS, the Mayor's Office and the Human Resources Department recommend making changes to the Employee Handbook to supplement FMLA coverage by extending financial support to employees who meet certain criteria and have newborn or adopted children; and

WHEREAS, the recommended changes have been approved by the Mayor and reviewed by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City of Salisbury, Maryland that Section 0505 of the Employee Handbook is amended as follows:

Chapter 5
LEAVE TIME

0505 Family and Parental Leave

The Family and Medical Leave Act of 1993 (FMLA) provides you certain rights. You are eligible to take up to 12 weeks of unpaid family/medical leave within a 12-month period and to be restored to the same or an equivalent position upon your return from leave provided that you (1) have worked for the City of Salisbury for at least 12 months, and (2) have worked for at least 1250 hours in the last 12 months. The 12-month period for determining the 12 weeks of leave will be based on a rolling calendar year measured backward from the date an employee uses FMLA leave.

A. Reasons for Family/Medical Leave

You may take family/medical leave for any of the following reasons: (1) the birth of a child in order to care for such child; (2) the placement of a child with you for adoption; (3) to care for a spouse, son, daughter, or parent ("covered relations"), with a serious health condition; or (4) because of your own serious health condition which renders you unable to perform the essential functions of your position. Leave because of reasons "1" or "2" must be completed within the 12-month period beginning ~~on~~ the date of birth or placement. In addition, spouses both employed by the City of Salisbury who request leave because of reasons "1" or "2" or to care for an ill parent may only take a combined total of 12 weeks leave during any 12-month period. **Employees who request leave pursuant to "1" or "2" are also entitled to Paid Parental Leave, pursuant to 0505 (K).**

B. Notice of Leave

If your need for family/medical leave is foreseeable, you must give 30 days prior written notice. If this is not possible, you must at least give notice as soon as practicable (within 1 to 2 business days of learning of your need for leave). Failure to provide such notice may be grounds for delay of leave. Where the need for leave is not foreseeable, you are expected to give notice within 1 to 2 business days of learning of your need for leave, except in extraordinary circumstances. The City of Salisbury has Request for Family/Medical Leave forms available from your supervisor or from the Human Resources Department. You must use these forms when requesting leave.

C. Medical Certification

If you are requesting leave because of your own or covered relation's serious health condition, you and the relevant health care provider must supply appropriate medical certification. You may obtain Medical Certification Forms from your supervisor or from the Human Resources Department. When you request leave, the medical Certification is due within 15 days after you make the request. Failure to provide requested medical certification in a timely manner might result in denial of leave until it is provided. The City of Salisbury, at its expense, may require an examination by a second health care provider designated by the City, if it reasonably doubts the medical certification you initially provide. If the second health care provider's opinion conflicts with the original medical certification, the City, at its expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final binding opinion. The City will require subsequent medical recertification on a reasonable basis.

D. Reporting While on Leave

If you take leave because of your own serious health condition, or to take care of a covered relation, you must contact your supervisor on the first and third Monday of each month regarding the status of the condition and your intention to return to work.

E. Leave is Unpaid

Family/Medical Leave is unpaid, **except as provided herein in 0505(K) for Paid Parental Leave. Paid Parental Leave must be used concurrently with FMLA leave.** Accrued sick time and vacation leave must be taken concurrently with family/medical leave, **except in the case of Paid Parental Leave.** ~~;~~ **Use of accrued sick time and leave time** will not extend or delay the 12 week family/medical leave period.

F. Medical and Other Benefits

During an approved family/medical leave, the City will maintain your health benefits, as if you continued to be actively employed. If paid leave is being taken concurrently with family/medical leave, then the City will deduct your portion of the health plan premium as a regular payroll deduction. If your leave is unpaid, you must pay your portion of the premium to the City on the first day of each month. Your health care coverage will cease if your payment is more than 30 days late.

If you elect not to return to work at the end of the leave period, you will be required to reimburse the City for the cost of the premiums paid by the City for maintaining coverage during your leave, unless you cannot return to work because of a serious health condition or other circumstances beyond your control.

G. Employment Status While on Extended Leave

FMLA leave will be treated as continued service for purposes of pension vesting and participating rules.

H. Exemption for Highly Compensated Employees

Highly compensated employees (i.e. highest paid 10% ~~if~~^{of} employees) might not be returned to their former or equivalent position following a leave. The City will notify you if you qualify as a "highly compensated" employee, if the City intends to deny reinstatement, and of your rights in such instances.

I. Returning From Leave

If you take leave because of your own serious health condition, you are required to provide medical certification that you are fit to resume work. Employees failing to provide medical certification will not be permitted to resume work until it is provided.

J. Interpretation of Family and Medical Leave Policy

Any questions regarding the FMLA or the application of this policy should be directed to your supervisor or to the Human Resources Department at 410-548-1065. It is the intention of this leave policy to comply with the requirements of the Federal Family and Medical Leave Act. It shall be construed so as to comply with such Act, and to provide only the rights required thereunder.

K. Paid Parental Leave

As a supplement to your rights guaranteed under the FMLA, you are entitled to up to six (6) weeks of paid leave following the (1) birth of a child in order to care for such child; or (2) placement of a child with you for adoption.

1. Eligibility

For an employee to be eligible for Paid Parental Leave, the employee must have worked at least 1250 hours over a 12-month period, thus qualifying for FMLA benefits.

- a. **Paid Parental Leave for the birth or placement of a child may only be requested within twelve months of the birth or placement.**

- b. If both parents are employed by the City, six (6) weeks is the maximum combined total available for Paid Parental Leave for both employees during any 12-month period.
- c. An employee may receive Paid Parental Leave for only one qualifying event within a 12-month period.
- d. Employees eligible to receive Paid Parental Leave benefits may exhaust their six (6) weeks of Paid Parental Leave before using any other accrued sick or leave time.
- e. Requests to take Paid Parental Leave must be approved by a supervisor.
- f. While eligible employees are entitled to six (6) weeks of Paid Parental Leave, they may take the leave in a non-consecutive manner.
- g. Paid Parental Leave time shall expire 12 months after the occurrence of a qualifying event.

2. To Be Used Concurrently with FMLA

An employee who qualifies for FMLA shall request leave under FMLA and follow the procedures outlined in 0505 of this handbook. When an employee requests leave under FMLA for reasons "1" or "2" in 0505(A), he or she will automatically be entitled to and receive Paid Parental Leave.

3. Applicability of Certain FMLA Restrictions


An employee who does not qualify for FMLA may use their accrued leave in order to take time off; they may also benefit from employee to employee leave donations.

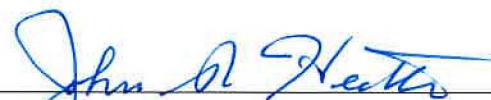
Underlined and Bold indicate additions

~~Strikethrough~~ indicate deletions

THE ABOVE RESOLUTION was introduced and read and passed at the regular meeting of the City of Salisbury held on the 23rd day of April, 2018, and is to become effective on July 1, 2018.

ATTEST:


Kimberly R. Nichols, City Clerk


John R. Heath, President
Salisbury City Council

APPROVED BY ME THIS 24th day of April, 2018.


Jacob R. Day, Mayor



To: Julia Glanz, City Administrator
From: Nate Sansom, Intern
Subject: Paid Parental Leave: Proposed Employee Handbook Changes
Date: April 20, 2018

The City of Salisbury is seeking to implement a paid parental leave program in which City employees are entitled to take up to six weeks of fully paid leave in the event of a child birth or adoption. In taking paid parental leave, employees could exhaust their six weeks of parental leave time before using accrued personal or sick leave time. This program would run in conjunction with FMLA, and all who have been employed by the City, for at least for one year, would be eligible to participate. If adopted, the City of Salisbury would stand at the vanguard as one of the first small cities in the nation to implement such a program.

After comprehensive research regarding other paid parental leave programs, the City of Greensboro, North Carolina was a municipality whose programs have proven to be effective and is similar to the policy that the City of Salisbury would like to implement. As such, some of the suggested revisions to the Employee handbook included below are inspired directly from the Paid Parental Leave policy of Greensboro. Our research has shown that the projected costs of this leave program could vary based on whether or not an employee's absence would necessitate a temporary worker being hired. In most cases, depending on the department, a temporary worker would not need to be hired, and other staff in the department could work to minimize the realized impact of such an absence. Another way to accommodate the needs of both employees and the city would be to allow for the six weeks of leave to be nonconsecutive, meaning a beneficiary of the program could take time off at varying times throughout the year following the birth or adoption of a child; this would allow for the employee to return to work sooner, thereby lessening the strain on their department. In addition to boosting the moral of current City employees while acting as an incentive to attract new young professionals to join our work force, this program would prove to have a myriad of benefits. As a result of paid parental leave, eligible employees could take time off work in order to care for their newborn or adopted child without having to draw from their accrued leave time.

According to a 2014 report by the White House Council of Economic Advisors, "The United States is currently the only developed country that does not offer government-sponsored paid maternity leave. Many of these countries also provide paid paternity leave, elder care benefits, and generous paid sick leave" (USA). By providing paid parental leave for both mothers and fathers, The City of Salisbury would assert itself as an innovative leader in regard to paid parental leave, and would set an example to be followed by small cities all across America. A 2014 article from the *New York Times* states that "As recently as 1990, the United States had



one of the top employment rates in the world for women, but it has now fallen behind many European countries. After climbing for six decades, the percentage of women in the American work force peaked in 1999, at 74 percent for women between 25 and 54. It has fallen since, to 69 percent today” (Cain Miller).

HR Data to Consider

City of Salisbury’s FMLA Usage - By the Numbers

• 2015	• 2016	• 2017
• 11 Total	• 12 Total	• 8 Total
• 10 Male, 1 Female	• 10 Male, 2 Female	• 7 Male, 1 Female
• Average Age: 31.09	• Average Age: 31.25	• Average Age: 32.37

- According to 2015 City data the average age of hourly City Employees was 42.78.
- Revisions to the employee handbook were drafted in 2015 would need to be revised to specify 6 weeks of fully paid leave and edit another part pertaining to employees ineligible for FMLA.
- There should not be realized costs to this program, as employee wages are already budgeted for and any money spent on program would be funds that would have otherwise gone back into surplus.
- According to our Human Resources Department, we do not have any departments that regularly hire temps when someone is out due to the birth of a child or adoption. Responsibilities are generally shared amongst current staff.

Further research:

According to a 2014 report published by the White House Council of Economic Advisors titled *The Economics of Paid and Unpaid Leave*:

- “Only 11 percent of workers are covered by formal paid family leave policies according to employers” (USA).
- “There are large disparities in access to paid leave across groups, with access to paid leave being particularly low among Hispanics, less educated workers, and low wage workers. Taking into account this ‘benefits gap,’ inequality in total compensation between more and less advantaged groups is even greater than inequality in income alone” (USA).
- “Surveys confirm that the changing nature of the American family means that workplace flexibility, and the ability to take leave in particular, is increasingly important. The percent of non-self-employed full-time men and women who said that their job was interfering with family life increased between 2002 and 2010. In 2010, 44 percent of



women and 48 percent of men said that work interferes with family ‘sometimes’ or ‘often’” (USA).

- “There is increasing evidence that having access to maternity leave increases the likelihood that mothers return to work and continue progressing in their careers. Recent research has examined the implementation of California’s paid family leave and found that it increased the weekly hours and pay of employed mothers of 1- to 3-year-old children by almost 10 percent. Similarly, researchers have found that access to paid leave increased the likelihood of a new mother returning to her employer in the US, Britain, and Japan” (USA).
- “According to the NCS, [The National Compensation Survey] only 11 percent of private-sector workers have access to a formal paid family leave policy, including only 4 percent of part-time workers” (USA).
- “California has reported that Paid Family Leave significantly increased maternity leaves among unmarried and nonwhite women, and women without a college degree. Maternity leaves rose 8% among high school graduates and 12% among African-American mothers. The increase was insignificant among white college-educated mothers” (*Paid Parental Leave & Paid Family Leave*).
- “The absence of universal paid leave represents a tremendous disadvantage for working women in America. Without paid leave, women are more likely to exit the workforce. If and when they re-enter, they may return to lower-paying jobs or no jobs at all”(*Paid Parental Leave & Paid Family Leave*).
- “When women quit a job to take care of family, their earning power is severely diminished when they return to the workforce. Research indicates that when mothers have access to paid maternity leave, their wages increase as much as 9%”(The Times Editorial Board).
- “As recently as 1990, the United States had one of the top employment rates in the world for women, but it has now fallen behind many European countries. After climbing for six decades, the percentage of women in the American work force peaked in 1999, at 74 percent for women between 25 and 54. It has fallen since, to 69 percent today” (Cain Miller).

Comparative study of other municipalities leave policy. All cities/counties mentioned have some type of an established paid parental leave program

- Dayton, Ohio
 - o On a monthly basis, City employees accrue 10 hours of sick leave in addition to 8 hours of vacation leave. There is a sick pool that they can donate to and pull from



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if they have a qualifying event and have exhausted all of their sick and vacation time.

- Dayton's paid parental leave program lasts for 42 days, beginning the day the child is born. Employees cannot defer the start date of this leave, for example they could not wait to take their paid parental leave two months after the baby's birth. This contrasts with some policies which allow for leave to be taken within 12 months of birth
- Kansas City, Missouri
 - Leave accrual is based upon years of service
 - There is no sick pool
 - Employees can donate time to each other in 80 hour increments assuming they meet certain requirements pertaining to the number of leave hours they have banked
 - Paid parental leave program is 6 weeks in conjunction with FMLA, paid at 100%
- St. Petersburg, Florida
 - Leave accrual is based upon years of service
 - Depending upon years served, leave accrual can vary between 4.6 and over 7 hours per pay period.
 - 6 weeks paid parental leave in conjunction with FMLA
- Miami Beach, Florida
 - Vacation leave accrual is based upon years of service (per 80 hour pay period)
 - Under 10 years of service: **3.69** hours
 - Over 10, less than 20 years of service: **5.23** hours
 - Over 20 years of service: **6.76** hours
 - All employees receive **3.69** hours of sick leave per 80 hour pay period
 - Paid parental leave program is a six week program:
 - Week 0-2: paid at 100%
 - Week 2-4: paid at 75%
 - Week 4-6: paid at 50%
 - Employees can supplement weeks 3-6 with accrued leave
 - Can receive donated time from other employees if they are under a Doctor's Care

Should you have questions, please do not hesitate to contact me for clarification.



Works Cited

Cain Miller, Claire, and Liz Alderman. "Why U.S. Women Are Leaving Jobs Behind." *The New York Times*. The New York Times, 12 Dec. 2014. Accessed. 17 Feb. 2017

2018 City of Greensboro Benefits Book, City of Greensboro Human Resources. , 2018, pp. 39–41.

Paid Parental Leave & Paid Family Leave. Rep. King County Washington: n.p., 2015.

The Times Editorial Board. "Baby on Board? Go Navy!" *Los Angeles Times*. Los Angeles Times, n.d. Accessed. 16 Feb. 2017.

USA. The Council of Economic Advisers. Executive Office of the President of the United States. N.p.: n.p., 2014.