

RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON
STATE OF OHIO

ORDINANCE NO. 41-2018

TO AMEND SECTION 155.18, FAMILY AND MEDICAL LEAVE POLICY, AND ENACT SECTION 155.19, PARENTAL LEAVE, OF CODIFIED ORDINANCE CHAPTER 155 – PERSONNEL CODE, RELATIVE TO THE ADMINISTRATIVE CODE

WHEREAS, the City seeks to ease the burden on employees with growing families;

WHEREAS, the City recognizes that parental leave benefits the workforce in many ways, including decreasing the pay gap between men and women and allowing the City to retain key employees that may otherwise leave the workforce;

WHEREAS, the City seeks to be a progressive employer of choice by being the first suburb in central Ohio to offer this benefit;

WHEREAS, Council held a discussion about parental leave at the Conference Session on March 19, 2018 and directed staff to bring forth changes to the administrative code consistent with the policy considered by Council at the Conference Session;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Upper Arlington, Ohio:

SECTION 1. That Council hereby waives the requirement of Section 731.19 of the Ohio Revised Code that this Ordinance contain the entire section of the Upper Arlington Administrative Code that is being amended.

SECTION 2. That C.O. §155.18, Family and Medical Leave Policy, be hereby amended to state as follows:

(E) *Substitution of paid leave time.*

(1) Employees may choose or the city may require an employee to substitute accrued paid leave (sick leave, vacation leave, personal leave or comp time) time for

any part of a family/medical leave taken for any reason normal leave policies apply. If paid leave time is used as part of family/medical leave, including parental leave, it will be counted as part of the total twelve (12) weeks or twenty-six (26) weeks, whichever is permitted under FMLA eligibility requirements. The city reserves the right to designate any qualifying leave under this policy as family/medical leave counted toward the employee's job-protected FMLA leave during the twelve-month period. The city may so designate such leave of its own initiative and regardless of an employee's request to count leave toward the FMLA total.

SECTION 3. To enact C.O. §155.19, Parental Leave, to read as follows:

(A) Each permanent full-time non-bargaining unit employee with at least one-year of service and at least 1,250 hours worked in the past year is eligible, upon the birth or adoption of a child, for a paid parental leave of absence. Employees covered under a collective bargaining agreement are eligible for parental leave as negotiated and detailed in their respective contracts.

(B) Parental leave shall begin on the date of the birth of an employee's child or on the day on which custody is taken by the employee for adoption placement.

(C) To be eligible for leave, the employee must be the biological parent of a newly born child or the legal guardian of and reside in the same household as a newly adopted child. If an employee adopts multiple children, the adoption shall be considered a single qualifying event, and will not serve to increase the length of leave for the employee, so long as the children are adopted within six weeks of each other.

(D) Parental leave under this section shall not exceed six continuous weeks immediately following the birth or adoption of a minor child, which shall include four weeks or one hundred sixty hours of paid leave. All employees granted parental leave shall serve a waiting period of fourteen days that begins on the day parental leave begins and during which they shall not receive paid leave under this section. During the fourteen day waiting period, employees may choose to work at the direction of the employee's appointing authority or may use any form of accrued paid leave or compensatory time for which the employees is qualified. During the remaining four weeks of the leave period, employees shall receive paid leave equal to seventy percent (70%) of their base rate of pay.

(E) All the following apply to employees granted parental leave:

(1) The remain eligible to receive all employer-paid benefits and continue to accrue all other forms of paid leave as if they were in active pay status, regardless of whether they are receiving payment at seventy percent or supplementing to one-hundred percent of their regular rate of pay.

(2) They are ineligible to receive overtime pay, and no portion of their parental leave shall be included in calculating their overtime pay.

(3) They are ineligible to receive holiday pay. A holiday occurring during the leave period shall be counted as one day of parental leave and be paid as such.

(F) Employees receiving parental leave may utilize available sick leave, personal leave, vacation leave, or compensatory time balances in order to be paid during the fourteen-day waiting period and to supplement the seventy percent of their base rate received during the remaining part of their parental leave period, in an amount sufficient to give them up to one hundred percent of their pay for the time on parental leave.

Use of parental leave does not affect an employee's eligibility for other forms of paid leave and does not prohibit an employee from taking leave under the "Family and Medical Leave Act" except that parental leave shall be included in any leave time provided under that act.

(G) The city manager or his designee shall be responsible for the administration of parental leave. Employees seeking to receive parental leave shall apply in writing to the Human Resources Director, including verification of birth or adoption.

SECTION 4. That the City Manager is authorized to implement personnel procedures addressing the usage of parental leave no inconsistent with this Ordinance.

SECTION 5. That the City Manager, Finance Director, and the City Attorney are hereby authorized to take all actions necessary to implement and administer this Ordinance.

SECTION 6. That this Ordinance is enacted pursuant to the home rule powers of the City of Upper Arlington as set forth at Article XVIII, Section 3, of the Ohio Constitution.

SECTION 7. That this ordinance shall take effect at the earliest date allowed by law.