

Late Backup

Item #15
Council Member Initiated Change
Council Member Martinez

RESOLUTION NO. _____

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

WHEREAS, the Director of Human Resources has recommended the following amendments of the Personnel Policies; and

WHEREAS, the City Manager approves and recommends adoption of this amendment; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City of Austin Personnel Policies be, and the same is hereby amended as follows.

PART 1. That Chapter A, Section III.B.1.c. *Family and Medical Leave Policy*, be amended as follows:

c. Family and Medical Leave Policy

Employees who have been employed for at least twelve (12) months, and who have worked at least 1,250 hours during the preceding twelve month period are eligible for family and medical leave as required under the Family and Medical Leave Act (FMLA) of 1993. Except for those employees designated as "key employees," employees will be returned to the same or an equivalent position upon their return from leave.

(1) Conditions

All eligible employees shall be granted family or medical leave consisting of unpaid leave, and when requested and appropriate, accrued sick and/or vacation leave, for a combined total of up to twelve weeks during the calendar year for the following reasons:

(a) Family Leave

- i. the birth of the employee's child and in order to care for the child;
- ii. the placement of a child with the employee for adoption or foster care;

(b) Medical Leave

- i. to care for a husband, wife, domestic partner, child or parent who has a serious health condition;
- ii. a serious health condition that renders the employee incapable of performing the functions of his or her job.

c) Military Qualifying Exigency Leave

- i. for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is a military member in the Armed Forces, including the National Guard or Reserves on covered active duty, or that has been notified of an impending call or order to covered active duty.

d) Military Caregiver Leave

- i. up to twenty-six (26) workweeks of leave consisting of unpaid leave, and when requested and appropriate, accrued sick and/or vacation leave, for a combined total of up to 26-weeks during a single rolling forward 12-month period on the date the military caregiver leave is first used. Military Caregiver Leave can be used:

- To care for a covered servicemember, who is a current member of the Armed Forces, including the National Guard or Reserves, with a qualifying serious injury or illness who is the spouse, son, daughter, parent, or next of kin to the employee ;
- To care for a covered veteran, with a qualifying serious injury or illness who is the spouse, son, daughter, parent, or next of kin to the employee.

Employees are eligible to take medical leave intermittently or on a reduced leave schedule only when medically necessary. Employees are not entitled to take family leave intermittently or on a reduced leave schedule unless approved by their Department Director. Any family leave must be taken within twelve months from the date of the birth or placement of a child for adoption or foster care.

If medical leave is requested, the employee may use accrued sick leave. After an employee's accrued sick leave has been exhausted, vacation leave may be used

as sick leave upon request of the employee. If family leave is requested, the employee may use accrued vacation leave. For the birth of the employee's child and in order to care for the child, the employee may use accrued sick leave as allowed under Section III.B.1.a.(3)(e).

In the event that appropriate paid leave is exhausted, the remainder of the family or medical leave period will consist of unpaid leave. Any use of accrued leave under this section will count toward the 12 week annual family and medical leave allotment.

(2) Parental Leave Benefit

~~Paid [Parental Leave can be used after exhausting accrued benefits, as eligible per personnel policies.]~~ Parental Leave is available to mothers and fathers for the birth of the employee's child and the placement of a child with the employee for adoption or foster care without regard to the marital status or sexual orientation of the parenting individual. All employees in regular budgeted positions that qualify for FMLA leave can utilize the Parental Leave except those employees whose terms and conditions of employment with the City are negotiated through a collective bargaining agreement or a meet and confer agreement.

The paid Parental Leave Benefit is up to 30 working days for a maximum of 240 hours (six weeks) for employees scheduled to work 40 hours per work week.

Parental Leave must be taken within the FMLA period associated with the date of the birth or placement of a child for adoption or foster care. Employees are not entitled to take Parental Leave intermittently or on a reduced leave schedule unless approved by their Department Director.

(3) Request for Leave

An employee should request leave in writing. An employee who intends to take parental, family or medical leave for planned medical treatment must submit a request to their Department Director at least thirty days before the leave is to begin. The request must state the reason for the leave, the duration of the leave, and the starting and ending dates of the leave. When it is not practicable under the circumstances to provide thirty days advance notice, the employee must give

notice to their Department Director as soon as possible but no later than two business days after the employee learns of the need for the leave.

A Department Director may require satisfactory proof of the proper use of medical leave and may disallow medical leave in the absence of such proof.

(The remainder of Section III.B.1.c. remains unchanged.)

PART 2. That the amendments described in Part 1, Section III.B.1.c. specific to (1) c) *Military Qualifying Exigency* and d) *Military Caregiver Leave* become effective upon the adoption of this Resolution.

PART 3. That the remaining amendments described in Part 1 become effective September 22, 2013.

ADOPTED: _____ 2013 **ATTEST:** _____
Janette S. Goodall
City Clerk