



MEMORANDUM

TO: Mayor and Council Members

FROM: Joya Hayes, Human Resources and Civil Service Director *JAH*

THROUGH: Veronica Briseño, Assistant City Manager

DATE: March 23, 2022

SUBJECT: Parental leave benefits for sworn employees (Resolution No. 20211209-060)

The purpose of this memorandum is to provide a response to City Council [Resolution No. 20211209-060](#) directing the City Manager to develop implementation and funding options to extend parental leave benefits for sworn employees and to include alternate return to work options.

Summary of Research and Findings

The Human Resources Department (HRD) reviewed several benchmark cities, current benefits available, and met with each sworn department and their associations since the resolution was passed in December 2021. Based on this research and conversations, the City of Austin will be providing up to 6-weeks (hours can vary based on number of hours worked in a week) of paid leave for sworn employees with the same criteria and process as provided to non-sworn employees. Additionally, departments will continue to utilize current benefits, such as shared leave, short- or long-term disability, and the Americans with Disabilities Act (ADA) accommodation process to accommodate anyone with a medical necessity for time beyond the 12-week FLMA period.

Background - Non-Sworn Employee Parental Leave

The City of Austin adopted paid parental leave for non-sworn employees in 2013. When this was passed, this policy was one of the first in Texas. This 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 marital status or sexual orientation. Employees who qualify for Family Medical Leave Act (FMLA) leave can utilize the paid parental leave.

The paid parental leave benefit is up to 30 working days for a maximum of 240 hours (6 weeks) for employees scheduled to work 40 hours per week. Parental leave must be taken with the FMLA period associated with the date of the birth or placement of a child for adoption or foster care.

Benchmark Cities

HRD surveyed nine cities regarding paid parental leave for sworn employees. Three of the nine cities, two in Texas, do provide paid parental leave for their sworn personnel. Six of the benchmark cities do not provide paid parental leave following the birth or placement of a child.

City/Organization	Sworn Parental Leave?	Specific Information
Dallas	Yes	<p><i>Administrative Directive is still in draft mode. This is proposed.</i></p> <ul style="list-style-type: none"> • Maximum of six (6) weeks of paid parental leave. • Paid parental leave may be taken continuously at any time during the three-month period immediately following the birth, adoption, or placement. • Citywide initiative, not through collective bargaining agreement.
El Paso	Yes	<p>Shared Parental Leave Program</p> <ul style="list-style-type: none"> • Employees voluntarily donate accrued sick and/or vacation leave to the shared parental leave bank or to donate to a designated eligible employee. • Eligible recipients may draw and use up to four (4) consecutive, continuous weeks of leave donations to make the employee's pay whole should their own leave balances be exhausted or insufficient to cover the approved time off. • Citywide initiative, not through collective bargaining agreement.
Portland	Yes	<ul style="list-style-type: none"> • Paid parental leave shall be their current rate of pay, excluding any premiums or out of class pays. • No employee may be absent on paid parental leave for more than six (6) calendar weeks, regardless of work schedule or assignment. • Citywide initiative, not through collective bargaining agreement.
Fort Worth	No	<ul style="list-style-type: none"> • Non-sworn employees are provided up to six (6) weeks of paid parental leave during a rolling 12-month time frame. <ul style="list-style-type: none"> ○ No more than six weeks of paid parental leave within that 12-month time frame. • Would require an amendment to their Collective Bargaining Agreement for sworn employees.
San Antonio	No	<ul style="list-style-type: none"> • Non-sworn, full-time employees are eligible to receive up to six (6) weeks of paid parental leave. • Must be used within the 12 calendar months and apply for FMLA. • Would require an amendment to their Collective Bargaining Agreement for sworn employees.
Oklahoma City	No	A policy is pending approval.
Tulsa	No	<ul style="list-style-type: none"> • Police provides for limited duty assignments to a pregnant Police Officer assigned to field duties or who is assigned to other duties hazardous to the Employee and/or the unborn child as determined by the City Physician upon notification of such pregnancy. • No paid parental leave.
Phoenix	No	
Houston	No	

Family-Friendly Leave Benefits Available

The City of Austin has several existing benefits to support employees during pregnancy, childbirth, adoption, and foster placement that includes long and short-term disability benefits, shared leave programs, reasonable accommodations under ADA, and leave of absence. The following are only summaries of each program.

Short Term Disability (STD)

Coverage is provided at no cost for employees who are in a regular budgeted position and are scheduled to work 20 or more hours per week. STD covers off-the-job injuries, illnesses, and pregnancies.

Employees must satisfy a 30-day waiting period before benefits take effect. During the waiting period, an employee may use paid leave, but they must be off work continuously for 30 days. This benefit is payable on the 31st day, up to 60 days, and is a taxable benefit. If approved, the benefit amount is 70% of the employee's base weekly salary, up to \$1,500 per week. The minimum payment is \$15 per week.

Long Term Disability (LTD)

Coverage is an optional benefit offered to employees who are in a regular budgeted position and are scheduled to work 20 or more hours per week. LTD covers on and off-the-job injuries, illnesses, and pregnancies. An employee must satisfy a 90-day waiting period during which they may use accrued leave or STD benefits, but the employee must be off work a total of 90 consecutive days. Benefits are payable until the employee is no longer disabled or no longer qualifies for LTD. If approved, the benefit amount is 60% of the employee's base monthly salary, up to \$10,000 per month, and is a taxable benefit. The minimum monthly payment is the greater of \$100 or 10% of the employee's monthly benefit prior to any reduction for other income benefits.

Shared Leave/Donated Leave

Each sworn department has shared leave provisions as part of their Meet and Confer or Collective Bargaining Agreements:

- AFD** – Any sworn employee can donate and use hours for the identified need. The employee's sick leave balance must be under 240 hours (160 hours for a 40-hour workweek) and other combined leave no more than 120 hours (80 hours for a 40-hour workweek). Leave cannot be used longer than 90 days, but the employee can make a secondary request. Requests for donated sick leave are subject to the approval of the Fire Chief.
- APD** – If an employee is in danger of using all accrued time due to a serious illness or injury as defined by FMLA, officers may voluntarily donate up to 40 hours of vacation or sick leave. Officers can bank up to 400 hours of donated leave within a 12-month period.
- EMS** – If an employee is in danger of using all accrued time due to a serious illness or injury as defined by FMLA, other employees may voluntarily donate up to 48 hours of vacation or sick leave. A sworn employee can bank up to 480 hours for each FMLA qualifying event.

Reasonable Accommodation under the Americans with Disabilities Act

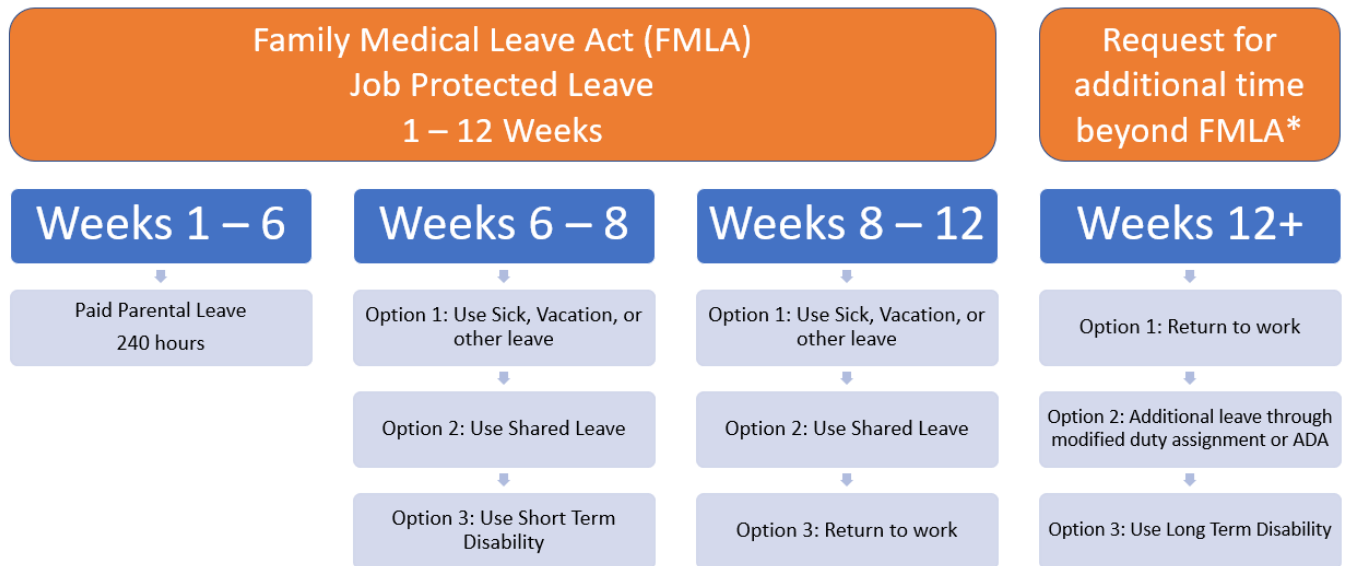
The Americans with Disabilities Act (ADA) as Amended is a federal civil rights law that prohibits private employers, state and local governments, employment agencies, and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. All City employees may utilize this process to request medically necessary modifications or adjustments to their job duties, schedules, or work environments. The ADA program is administered by HRD and utilizes an interactive process between the employee and the department to make recommendations on accommodations.

Leave of Absence/Leave without Pay

This leave is used when an employee is out of work for any time over 40 hours for an extended period. There is an impact on benefits, service credit, and accrued vacation and sick leave. The employee's supervisor and chain of command can approve the use of Leave Without Pay, Non-FMLA, for up to 20

business days. Requests for leave over 20 business days must be approved by the Department Head, the Director of Human Resources, and the City Manager.

Example Benefits Available and Timeline



Protected time requires use of paid leave

* Requires approval by City Manager

Other City Benefits

The City of Austin is dedicated to fostering healthy babies and families and is proud to be a Texas Mother-Friendly Worksite. The City provides additional support for working mothers as outlined below.

Maternity Support

This program is available to pregnant employees enrolled in a City medical plan. The program is designed to provide the support and information needed for a healthy pregnancy. Participants will receive personalized maternity care and assistance in managing high-risk conditions, including gestational diabetes and preeclampsia.

Lactation Support

Employees are allowed reasonable break times to express breast milk for one year after the child’s birth. Employees will also be provided a place shielded from view and free from intrusion from coworkers and the public, other than a bathroom, to express breast milk in private.

Costs

As identified in the HRD response to the Fiscal Year 2022 Budget Rider process, the following table contains the cost analysis to backfill for absences related to employees who utilize parental leave. Utilizing these options may require a budget amendment to pay for an increase in overtime. This chart contains/assumes the following:

- Number of dependents is the average from the last four years and includes a calculated increase to account for dependents not on the City plans, adoptions, and filling vacancies
- The actual numbers will fluctuate annually
- The amount below is the costs to backfill only; it does not include the paid leave costs

**Parental Leave Program Cost Estimate
Human Resources Department Cost Analysis**

	Paid Parental Leave 6 Weeks		
	Police	EMS	Fire
Total Potential Number of Dependents	104	29	63
Paid Parental Leave Number of Hours	240.0	252.0	318.0
Backfill Percentage	25%	100%	100%
Total Number of Backfill Hours	60	252	318
Average OT Rate (Current)	\$64.00	\$46.00	\$47.00
Total Direct Backfill OT Cost	\$399,360	\$336,168	\$941,598
Total FICA/Medicare	\$30,551	\$25,717	\$13,653
Total Direct Backfill Cost	\$429,911	\$361,885	\$955,251
Total Direct Backfill Cost All Three Sworn Departments	\$1,747,047		

Sworn Department Feedback

During the month of January 2022, staff from HRD, Law Department, and City Manager’s Office hosted meetings with the Austin Fire Department, Austin/Travis County EMS Department, and Austin Police Department. Members of each association for the departments were also in attendance. The summary of comments received are below.

- New employees have not accrued enough leave to take a full 12-weeks off for new births and child placements, and even when they do, it is difficult to bank enough leave for additional medical needs or future family planning.
- Some female employees felt the need to change from field to office positions to account for a more family-friendly assignment after birth; public safety parents have unique needs like 24-hour childcare.
- Some employees need additional time after birth to be physically, or even mentally, prepared to return to full duty as a firefighter.
- It is difficult to have lactation support during long shifts, including the struggle to find private places to pump and the need to dispose of breast milk after exposure situations.
- Processes and available support and benefit options are not clear, leaving employees confused. There should be more conversations with Human Resources to ensure knowledge of all available options.

Next Steps

Benefit provisions may be implemented at the discretion of the City Manager. Based on staff's research and findings:

- Effective immediately, the City will provide up to 6-weeks (hours can vary based on number of hours worked in a week) of paid leave for sworn employees with the same criteria and process as provided to non-sworn employees; and
- Departments will continue to utilize current benefits, such as shared leave, short- or long-term disability, and the ADA accommodation process to accommodate anyone with a medical necessity for time beyond the 12-week FLMA period.

These benefit provisions have been communicated to each public safety union. Public Safety departments will absorb costs into this fiscal year budget and future costs will be included in next year's budget.

Please let me know if I can answer any additional questions.

cc: Spencer Cronk, City Manager
Ed Van Eenoo, Chief Financial Officer
Joseph Chacon, APD Chief
Joel Baker, AFD Chief
Robert Luckritz, EMS Chief