



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

December 8, 2015

Ordinance 18190

Proposed No. 2015-0495.2

Sponsors Dembowski

1 AN ORDINANCE relating to a paid parental leave pilot
2 program for leave-eligible employees.

3 STATEMENT OF FACTS:

- 4 1. Under federal and state law, eligible employees are entitled to take up
5 to twelve weeks of leave for the birth, adoption or foster placement of a
6 child. During that period, employees' jobs are protected, and they
7 continue to receive employer paid health benefits; however, there is no
8 requirement that employees be paid during the leave.
- 9 2. The United States is the only industrialized nation in the world that
10 does not mandate paid parental leave.
- 11 3. Paid maternity leave can increase breastfeeding rates and duration,
12 reduce the risk of infant mortality and increase the likelihood of infants
13 receiving well-baby care and vaccinations.
- 14 4. Fathers who take time off from work around childbirth are likely to
15 spend more time with their children in the months following their
16 children's birth, which could reduce stress on the family and contribute to
17 father-infant bonding.
- 18 5. A 2012 U.S. Department of Labor survey found that the number of
19 employees who reported needing leave, but not using it, had doubled since

20 2000. The most-common reasons for not using leave were inability to
21 afford an unpaid leave and fear of losing one's job. Those who did not
22 take needed leave were disproportionately women, nonwhite, unmarried,
23 and earning less than \$35,000 per year.

24 6. The King County women's advisory board has issued a report,
25 Improving Wage Equity and Promoting Family Friendly Workplace
26 Policies throughout King County, that recommends that King County offer
27 paid parental leave to its employees.

28 7. Providing paid parental leave may help attract and retain employees
29 and may reduce employee turnover, which has been estimated to cost
30 twenty-one percent of an employee's annual salary.

31 8. Providing paid parental leave supports King County's commitment to
32 equity and social justice, in that it makes parental leave more affordable
33 for lower-paid employees.

34 9. Paid parental leave is associated with improved health outcomes for
35 infants and children, which may result in avoided healthcare costs for
36 King County, which is self-insured.

37 10. In the absence of a paid parental leave program, childbirth and
38 adoption can take a significant financial and emotional toll on working
39 parents and thereby can impair their ability to serve the public.

40 11. Establishing a paid parental leave pilot program and monitoring its
41 effectiveness for one year is in the best interest of King County
42 employees, their families and the public that the employees serve.

43 12. On April 27, 2015, the council passed Motion 14348, which declared
44 that it is county policy to establish a paid family leave program for King
45 County employees. The motion directed the executive to develop and
46 transmit to the council: a work plan and recommendations for
47 implementing a paid family leave program; a cost-benefit analysis; and
48 proposed legislation. The executive, on September 15, 2015, transmitted
49 the requested recommendations and cost-benefit analysis. The transmittal
50 of the original version of Proposed Ordinance 2015-0495 and an attached
51 work plan completed the executive's response to the council's motion.

52 13. In August 2014, the county and the King County Coalition of Unions
53 agreed to negotiate "a 'Total Compensation' agreement that will be
54 effective January 1, 2017 or later." The executive has indicated to the
55 council the executive's intention to begin "total compensation" bargaining
56 with the King County Coalition in January 2016. As provided in the
57 August 2014 agreement, "'Total Compensation' elements are wages,
58 premiums, incentives, and other monetary payments; and all forms of
59 leave and benefits." The pilot program that this ordinance directs the
60 executive to create serves the additional purpose of providing useful data
61 about paid parental leave for the county and the coalition to consider in
62 their "total compensation" bargaining.

63 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

64 SECTION 1. This section applies to sections 2 through 5 of this ordinance.

65 A. "Accrued paid leave" includes accrued vacation, executive leave and sick
66 leave.

67 B. "Qualifying event" means the birth of the employee's child, the employee's
68 adoption of a child or the foster-to-adopt placement of a child with the employee.

69 SECTION 2. The executive shall create a pilot program that provides to
70 nonrepresented employees, on the terms in this ordinance, paid parental leave following a
71 qualifying event.

72 SECTION 3. The executive is directed to enter into memoranda of agreement
73 with the labor organizations that represent King County employees, with the
74 organizations' consent, to provide to those employees paid parental leave on the terms in
75 this ordinance.

76 SECTION 4. The program for paid parental leave shall be subject to the
77 following terms:

78 A. The program is intended to provide leave-eligible employees with twelve
79 weeks of paid parental leave during the twelve months following a qualifying event;

80 B. Participation in the program shall be limited to leave-eligible employees who
81 have been employed with the county for at least six months of continuous service at the
82 time of the qualifying event and either are nonrepresented or are represented by a union
83 that has signed a paid parental leave memorandum of agreement under section 3 of this
84 ordinance;

85 C. The program is limited to qualifying events occurring in 2016;

86 D. An employee electing to participate in the program must reserve one week of
87 accrued vacation and one week of accrued sick leave, or whatever smaller amount of

88 each the employee has accrued. An employee with twelve weeks or more of unreserved,
89 accrued paid leave at the time of the qualifying event may use up to twelve weeks of
90 accrued paid leave as paid parental leave during the twelve months after the qualifying
91 event. An employee who has less than twelve weeks of unreserved, accrued paid leave at
92 the time of the qualifying event shall be granted supplemental paid leave in an amount
93 sufficient, when combined with the employee's unreserved accrued paid leave, to equal a
94 total of twelve weeks of paid parental leave. For example, if an employee has two weeks
95 of accrued vacation and three weeks of accrued sick leave at the time of the qualifying
96 event, the employee shall be granted nine weeks of supplemental paid leave, bringing the
97 total available paid parental leave to twelve weeks.

98 E. An employee may use supplemental paid leave and accrued paid leave in any
99 order and is not required to use any of the accrued paid leave as paid parental leave.

100 F. An employee on paid leave in the program shall be compensated at the
101 employee's base pay rate.

102 G. An employee should provide notice to the designated representative of the
103 employee's department that the employee intends to participate in the program. The
104 notice should meet the notice requirements for taking family and medical leave under
105 federal law.

106 H. An employee may participate in the program only once.

107 I. Paid parental leave under the program must begin and end within twelve
108 months after the qualifying event. The leave may be taken in 2017 as long as the leave is
109 completed within twelve months after the 2016 qualifying event.

110 J. The employee and the employee's supervisor shall agree upon a schedule for
111 taking paid parental leave that is consistent with the county's operational needs. An
112 employee may use the paid parental leave on a part-time basis as long as that is consistent
113 with the county's operational needs and is approved in writing by the supervisor before
114 the leave begins.

115 K. Paid parental leave under this ordinance shall run concurrently with King
116 County family and medical leave, as well as federal and state family and medical leave,
117 to the extent permitted by law.

118 L. During the time that an employee is on leave in the program, the employee's
119 job shall be protected to the same extent that an employee's job is protected while the
120 employee is on family or medical leave under federal or state law. No retaliatory action
121 may be taken against an employee for participating or planning to participate in the
122 program or for exercising the employee's rights under this ordinance. In particular,
123 permission to use accrued vacation or executive leave shall not be denied or delayed on
124 the basis that the employee intends to participate in the program. This is a general
125 statement of county policy that cannot form the basis of a private right of action.

126 M. Taking leave under the program shall not affect an employee's health benefits
127 or an employee's accrual of paid leave, which shall continue during the period of paid
128 parental leave.

129 N. Employees shall not be compensated in any manner for not using the
130 supplemental paid leave that is available under this ordinance.

131 SECTION 5. The executive shall monitor the usage and costs associated with the
132 program and shall report to the council, on July 29, 2016, October 31, 2016, and January

133 31, 2017, the most current available information on usage and costs, including but not
134 limited to the number, gender and compensation rate of employees who have used the
135 program, their distribution among the county's departments and divisions, whether their
136 positions have been backfilled, the costs of backfilling, and any other costs associated
137 with the program. The executive must file the reports in the form of a paper original and
138 an electronic copy with the clerk of the council, who shall retain the original and provide
139 an electronic copy to all councilmembers, the council chief of staff, the policy staff
140 director and the lead staff for the transportation, economy and environment committee, or
141 its successor.

142 SECTION 6. Severability. If any provision of this ordinance or its application to

143 any person or circumstance is held invalid, the remainder of the ordinance or the
144 application of the provision to other persons or circumstances is not affected.
145

Ordinance 18190 was introduced on 11/16/2015 and passed as amended by the Metropolitan King County Council on 12/7/2015, by the following vote:

Yes: 8 - Mr. von Reichbauer, Mr. Gossett, Ms. Hague, Ms. Lambert,
Mr. Dunn, Mr. McDermott, Mr. Dembowski and Mr. Upthegrove
No: 0
Excused: 1 - Mr. Phillips

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

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2015 DEC 17 PM 3:04
CLERK
KING COUNTY COUNCIL

APPROVED this 16 day of DECEMBER, 2015.



Dow Constantine, County Executive

Attachments: None