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Dec. 7, 2015

nw Sponsor: Dembowski
Proposed No.: 2015-0495

R Dem → passed 8-0 L rex

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2015-0495, VERSION**

2 **1**

3 On page 1, beginning on line 3, strike everything through page 4, line 63, and insert:

4 "STATEMENT OF FACTS:

- 5 1. Under federal and state law, eligible employees are entitled to take up
6 to twelve weeks of leave for the birth, adoption or foster placement of a
7 child. During that period, employees' jobs are protected, and they
8 continue to receive employer paid health benefits; however, there is no
9 requirement that employees be paid during the leave.
- 10 2. The United States is the only industrialized nation in the world that
11 does not mandate paid parental leave.
- 12 3. Paid maternity leave can increase breastfeeding rates and duration,
13 reduce the risk of infant mortality and increase the likelihood of infants
14 receiving well-baby care and vaccinations.
- 15 4. Fathers who take time off from work around childbirth are likely to
16 spend more time with their children in the months following their

children's birth, which could reduce stress on the family and contribute to father-infant bonding.

5. A 2012 U.S. Department of Labor survey found that the number of employees who reported needing leave, but not using it, had doubled since 2000. The most-common reasons for not using leave were inability to afford an unpaid leave and fear of losing one's job. Those who did not take needed leave were disproportionately women, nonwhite, unmarried, and earning less than \$35,000 per year.

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

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

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

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

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

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

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

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

61 executive to create serves the additional purpose of providing useful data
62 about paid parental leave for the county and the coalition to consider in
63 their "total compensation" bargaining.

64 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

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

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

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

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

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

81 B. Participation in the program shall be limited to leave-eligible employees who
82 have been employed with the county for at least six months of continuous service at the
83 time of the qualifying event and either are nonrepresented or are represented by a union

84 that has signed a paid parental leave memorandum of agreement under section 3 of this
85 ordinance;

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

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

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

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

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

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

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

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

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

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

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

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

132 SECTION 5. The executive shall monitor the usage and costs associated with the
 133 program and shall report to the council, on July 29, 2016, October 31, 2016, and January
 134 31, 2017, the most current available information on usage and costs, including but not
 135 limited to the number, gender and compensation rate of employees who have used the
 136 program, their distribution among the county's departments and divisions, whether their
 137 positions have been backfilled, the costs of backfilling, and any other costs associated
 138 with the program. The executive must file the reports in the form of a paper original and
 139 an electronic copy with the clerk of the council, who shall retain the original and provide
 140 an electronic copy to all councilmembers, the council chief of staff, the policy staff
 141 director and the lead staff for the transportation, economy and environment committee, or
 142 its successor.

143 SECTION 6. Severability. If any provision of this ordinance or its application to
 144 any person or circumstance is held invalid, the remainder of the ordinance or the
 145 application of the provision to other persons or circumstances is not affected."

146 Delete Attachment A.

147 **EFFECT:**

- 148 1. Substantially supplement the statement of facts, primarily with findings
 149 from Motion 14348, which established the policy on which this ordinance is
 150 based. (Lines 4-63)
- 151 2. Adds a new section 1, which relocates the explanation of the terms "accrued
 152 paid leave" and "qualifying event." (Lines 65-69)
- 153 3. In Sections 2 and 3, directs the Executive to take the prescribed actions,
 154 rather than merely authorizing him to do so. (Lines 70-76)

- 155 4. Includes a new provision that an employee may use supplemental paid leave
156 and accrued paid leave in any order and is not required to use any of the
157 accrued paid leave as paid parental leave. (Lines 99-100)
- 158 5. Includes a new provision that an employee on paid leave in the program
159 shall be compensated at the employee's base pay rate. (Lines 101-02)
- 160 6. Includes a new provision requiring an employee to give notice of the
161 employee's intent to participate in the program. (Lines 103-06)
- 162 7. Includes a new provision that the employee and the employee's supervisor
163 shall agree upon a schedule for taking paid parental leave that is consistent
164 with the county's operational needs. (Lines 111-12)
- 165 8. Includes a new provision barring retaliation against an employee for
166 participating or intending to participate in the program. (Lines 121-26)
- 167 9. Requires the Executive to monitor and regularly report to the Council on
168 the program. (Lines 132-42)
- 169 10. Rearranges and rewords parts of the proposed ordinance to improve clarity
170 and readability.
- 171 11. Deletes Attachment A (the Executive's work plan for implementing paid
172 parental leave), which is not adopted by the ordinance and which differs in
173 some respects from the ordinance.

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Dec. 7, 2015

R Dem → passed 8-0 Lpex

Sponsor: Dembowski

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Proposed No.: 2015-0495

1 **TITLE AMENDMENT TO PROPOSED ORDINANCE 2015-0495, VERSION 1**

2 On page 1, beginning on line 1, strike lines 1 and 2, and insert:

3 "AN ORDINANCE relating to a paid parental leave pilot

4 program for leave-eligible employees."

5 **EFFECT: *Conforms the title to the body of the ordinance.***