

Legislation Text

File #: 2015-0495, Version: 2

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

STATEMENT OF FACTS:

1. Under federal and state law, eligible employees are entitled to take up to twelve weeks of leave for the birth, adoption or foster placement of a child. During that period, employees' jobs are protected, and they continue to receive employer paid health benefits; however, there is no requirement that employees be paid during the leave.
2. The United States is the only industrialized nation in the world that does not mandate paid parental leave.
3. Paid maternity leave can increase breastfeeding rates and duration, reduce the risk of infant mortality and increase the likelihood of infants receiving well-baby care and vaccinations.
4. Fathers who take time off from work around childbirth are likely to 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.
10. In the absence of a paid parental leave program, childbirth and adoption can take a significant financial and emotional toll on working parents and thereby can impair their ability to serve the public.
11. Establishing a paid parental leave pilot program and monitoring its effectiveness for one year is in the best interest of King County employees, their families and the public that the employees serve.
12. On April 27, 2015, the council passed Motion 14348, which declared that it is county policy to establish a paid family leave program for King County employees. The motion directed the executive to develop and transmit to the council: a work plan and recommendations for implementing a paid family leave program; a cost-benefit analysis; and proposed legislation. The executive, on September 15, 2015, transmitted the requested recommendations and cost-benefit analysis. The transmittal of the original version of Proposed Ordinance 2015-0495 and an attached work plan completed the executive's response to the council's motion.
13. In August 2014, the county and the King County Coalition of Unions agreed to negotiate "a 'Total Compensation' agreement that will be effective January 1, 2017 or later." The executive

has indicated to the council the executive's intention to begin "total compensation" bargaining with the King County Coalition in January 2016. As provided in the August 2014 agreement, "Total Compensation' elements are wages, premiums, incentives, and other monetary payments; and all forms of leave and benefits." The pilot program that this ordinance directs the executive to create serves the additional purpose of providing useful data about paid parental leave for the county and the coalition to consider in their "total compensation" bargaining.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 6. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to

other persons or circumstances is not affected.