



Staff Report

To: Summit County Council

Report Date: July 27, 2018

Meeting Date: August 1, 2018

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Description: Parental Leave Policy

Type of Item: Discussion

A. Purpose

Adopt a County wide policy regarding paid parental leave for birthing, non-birthing, and adoptive parents.

B. Background

Currently, under Summit County policy, a birthing parent is placed on short term disability for a period of approximately six weeks for the birth of the baby and the mother's recuperation. Disability insurance pays the employee two-thirds of their salary during this time period. The birthing parent may choose to augment the disability payment by using sick leave or vacation to earn a full salary.

At the same time the employee files disability paperwork, they are placed on unpaid Family Medical Leave which runs concurrently with disability. Family Medical Leave is given to qualified employees providing twelve weeks of unpaid but job protected leave. After the six weeks of disability runs out the birthing parent has four options:

1. The birthing parent may come back to work,
2. The birthing parent may take the balance of their Family Medical Leave unpaid if they do not have any accrued vacation,
3. The birthing parent may take the balance of their Family Medical Leave. If the employee has accrued vacation time the County will run their vacation during the balance of the Family Medical Leave,
4. The birthing parent may resign their position.

Under the current policy, a County employee adopting a child has access to unpaid Family Medical Leave. The County will run the adoptive parent's accrued vacation during this period. If the employee does not have any vacation, all leave will be unpaid.

In our research to find other public entities offering paid parental leave we have found three. They are:

1. Midvale City, enacted June 2018, **two weeks** of paid leave, self-insured,
2. Salt Lake City, enacted January 1, 2017, **six weeks** of paid leave, self-insured,
3. Salt Lake County, enacted May 1, 2017, **six weeks** of paid leave, self-insured.

In addition to these three entities Park City School District has announced they are planning on extending paid parental leave to their employees for a period of **six weeks**. This program is self-insured.

Recruiting for open positions, in the County and state-wide is difficult. Many agencies have multiple positions open and advertisements have brought in few, if any, applicants. For example: the Wasatch Front has eleven vacancies for Building Inspectors, we are also recruiting for an inspector; the Wasatch Front has numerous vacancies for law enforcement positions, we are looking for three. As of the date of this report Summit County has sixteen open positions and twenty-one vacancies county-wide. Competition for hiring employees is very stiff, both Salt Lake City and Salt Lake County claim this is helping with recruitment and retention.

Adding this policy to our existing leave policies continues and expands our culture of caring for our employees and their families.

C. Policy

The proposed Parental Leave policy would allow the parents of newly born and adopted children four weeks of paid leave.

Highlights of this leave include:

1. Must be used in the first twelve weeks of the birth or placement of the child(ren),
2. All leave must be taken in one block of time,
3. Birthing, non-birthing, and adoptive parents are eligible,
4. Family Medical Leave shall run concurrently with Parental Leave,
5. Parental leave shall be paid at 100 percent of the employee's regular salary.

If the County adopts this policy, based upon the past three year's history, the average cost to the County will be \$70,000 of lost productivity. This money is already budgeted in the employee's wages when the budget is adopted.

We asked a number of vendors if there is interest in insuring the County for Parental Leave, similar to the County's Short and Long Term Disability insurances. No one wanted to just

insure a Parental Leave policy, but many expressed interest if they could bundle Parental Leave with our disability insurances and possibly our life insurance policy. We are continuing to explore these possibilities.

To address the Council's question regarding the age of adopted children, we reached out to the other agencies that have this policy, they had not thought of this and did not address it in their policies. We have added the verbiage "To qualify for Parental Leave the adopted child(ren) shall be under eighteen (18) years of age" to our policy.

D. Recommendations

1. Adopt the proposed Paid Parental Leave Policy.

SECTION 9 FRINGE BENEFITS

K. Parental Leave

Parental leave is leave associated with the birth of an employee's own child or the placement of a child with the employee in connection with an adoption. The amount of leave under this policy is four (4) weeks. This leave does not supersede other laws that apply to the birth or adoption of a child.

1. Eligible employees may receive up to four (4) weeks of paid, job protected, leave during the first twelve (12) weeks following birth or adoption.
 - a. Employees working more than 30 hours per week are eligible for Parental Leave. Employees working less than 40 hours per week, but more than 30, shall have their Parental Leave pro-rated.
 - b. Notice & Verification: The employee must:
 1. Provide to their department head and the Personnel Department thirty (30) days' written notice of the requested leave (or as much notice as practicable if the leave is not foreseeable),
 2. Complete the necessary forms at the time of the leave, and
 3. File the documents with the Personnel Department.
2. Parental Leave is a benefit of employment and its use will not be considered as a negative factor in employment actions, such as hiring, promotions, or disciplinary actions under attendance policies.
3. Upon receiving notice of an employee's need for Parental Leave, the County shall provide the employee with a detailed notice specifying the employee's rights under County policy and explain any consequences of a failure to meet these obligations. The County notice shall include:
 - a. Any requirements for the employee to make or participate in the payment of insurance premiums, and the methods for doing so. The employee's potential liability for health insurance premiums paid by the County during the leave if the employee does not return to work;
 - b. The employee's reinstatement rights to the same or equivalent job, unless the employee is defined a key employee under FMLA;
4. Method of Leave Usage:
 - a. Birth of the parent's own child:

1. Birthing parent
 - A. After short term disability has been exhausted, Parental Leave will commence.
 - B. Non-birthing parent; Parental Leave, if taken, shall be used anytime during the first twelve (12) weeks after the birth of the child. Parental Leave shall not extend beyond the end of the twelve (12) week date from the birth of the child.
- b. Adoption of a child:
 1. The parents of an adopted child shall receive Parental Leave after the child(ren) has been placed in their home.
 2. Parental Leave, if taken, shall be used anytime during the first twelve (12) weeks after the placement of the child(ren). Parental Leave shall not extend beyond the end of the twelve (12) week date from the placement of the child(ren).
 3. To qualify for Parental Leave the adopted child(ren) shall be under eighteen (18) years of age.
- c. All leave shall be used in one block of time.
- d. Parental Leave shall run concurrently with FMLA.
5. Parental Leave will be paid at 100 percent of an Eligible Employee's straight-time, regular pay for the specified amount of time outlined in this policy.
 - a. Sick leave and vacation accrual shall be allowed in accordance with the County's FMLA policy.
6. The fact that a multiple birth or adoption occurs (for example, the birth or adoption of twins) does not increase the length of Parental Leave granted for that event.
7. If both parents are employed by the County, each parent shall receive up to four (4) weeks Parental Leave.