

ENROLLED ORDINANCE

*PUBLISHED PURSUANT TO CHAPTER 1 SECTION 4.5 OF THE REVISED
ORDINANCES OF THE CITY OF EVERETT AND IN COMPLIANCE WITH
MASSACHUSETTS GENERAL LAWS Chapter 43, Section 23.*

ENROLLED:

DATE OF PROPOSED ORDAINMENT:



CITY COUNCIL.No. C0233-22

IN THE YEAR TWO THOUSAND AND TWENTY-TWO

**AN ORDINANCE ESTABLISHING PAID FAMILY MEDICAL LEAVE FOR MUNICIPAL
EMPLOYEES IN THE CITY OF EVERETT**

Councilor/s/Stephanie Martins, Stephanie Smith

Whereas: As of June 2022, the City of Everett currently does not have paid family medical leave and employees have to use their accrued sick or vacation time while out on family medical leave

Whereas: The current parental leave policies, such as the Family and Medical Leave Act and Massachusetts Parental Leave Act, have focused on protecting parents' jobs during unpaid leave. The lack of income during periods of parental leave is a factor in the wage gap experienced by many women and forces employees to return to work sooner than their particular family may really need with their newborn or newly adopted child

Whereas: The City of Everett wants to continue to attract the best candidates and be competitive with benefits other municipalities and the private sector offer to their employees as well as being a first-mover for municipalities in granting paid time off of work for family or medical reasons

Now, therefore by the authority granted to the City Council of the City of Everett, Massachusetts to make ordinances:

Be it Ordained: by the City Council of the City of Everett, Massachusetts, and by the authority of the same as follows:

SECTION I:

1. Eligibility, Purpose, and Pay Rate:

Employees who are not covered by a collective bargaining agreement OR are covered by collective bargaining units who have adopted the City of Everett's Paid Family Medical Leave policy AND who have been employed by the City in a benefits-eligible position for at least 12 months or 52 consecutive weeks without any break in service may be eligible for up to 12 weeks of paid time off due to family medical reasons as outlined below.

This applies to:

- (a) Births and adoptions that have occurred on or after the effective date for noted eligible employees. The paid leave shall apply equally to parents regardless of gender, or marital status, as well as to same-sex couples, in the event of a natural birth by any method, adoption, surrogacy, foster care placement, and stillbirths. The amount of pay is the same regardless of the number of children born or adopted at the same time.
- (b) A serious health condition that incapacitates eligible employees from work.
- (c) Eligible employees who are covered service members with a serious health condition
- (d) Eligible employees who care for a family member with a serious health condition

Eligible employees receive:

- 100 percent of base wages based on their regular work hours for the first four weeks;
- 75 percent of base wages based on their regular work hours for the following four weeks; and
- 50 percent of base wages based on their regular work hours for the remaining four weeks.

Employees may also use any accrued time (e.g., sick, vacation, or personal) as a supplement in order to receive compensation up to 100 percent of base pay during any of the weeks that Paid Family Medical Leave alone provides for less than 100% of base pay. The employee's supplementation choice(s) may also affect the timing or eligibility for vacation drop, step increases, or continued health insurance coverage, all of which should be addressed with the employee's personnel officer when requesting approval of Paid Family Medical Leave.

This pay may be utilized by day or week during the first year but it must be used concurrently and any unused time will be forfeited by the employee if the employee chooses to not use the full 12 weeks concurrently in the one-year time period.

Employees seeking to take advantage of paid family medical leave pursuant to this policy must contact the Office of Human Resources.

All PFML requires Human Resources approval.

Termination of Eligibility

Eligibility for Paid Family Medical Leave ends if an employee transfers to an ineligible position. Paid Family Medical Leave is not paid out upon separation from employment and cannot be donated to other employees.

2. Paid Family Leave:

Spouses Both Employed by the City: If both parents are employed by the City and meet the eligibility requirements above, each is entitled to up to twelve weeks of paid leave, and they may take advantage of such paid time off concurrently or consecutively of each other's leave within the first year following the birth or placement for adoption.

3. Concurrent Leave:

Many employees will want to use the paid family or medical time off immediately and consecutively following the birth, placement for adoption of the child, medical, or family medical event. In such circumstances, the paid time off under this policy will run concurrently with leave under the City's parental leave policy, the Family & Medical Leave Act ("FMLA").

The employee will be expected to comply with the notice and documentation requirements necessary for FMLA leave. Employees may also use their other accrued paid time off consistent with the requirements of the City's paid family medical leave policy.

Alternatively, for employees who are not eligible to take time off under the City's paid family medical leave policy, or the FMLA, such as when the employee utilizes parental time off intermittently, then only the twelve weeks set forth in this policy will apply and such time off will not be counted against the employee's annual FMLA entitlement.

SECTION II

1. Advance Notice:

A 30-day advance notice of the request to use paid family medical time off is required when the need is foreseeable and the employee is using the time off on a continuous basis. Intermittent use is not available. If the need for the time off is not foreseeable because of a lack of knowledge of approximately when time off will commence or there is a change in circumstances, then the employee must give as much notice as is possible under the particular circumstances involved, and this must always be prior to the birth/adoption.

2. Effective Notice:

Notice is given when the employee submits a written request for paid family medical leave with appropriate documentation to his/her supervisor and the Human Resources Office.

3. Failure to Provide Documentation:

An employee must inform Human Resources in writing whether s/he will be using Paid Family Medical Leave at the time of birth, adoption, care for a family member or medical leave or at a later date. Failure to do so will result in paid family medical leave automatically being used at the time of birth, adoption, family, or medical leave.

The Office of Human Resources may request appropriate supporting documentation to determine whether the leave can be approved. In these circumstances, Paid Parental Leave will not be approved until the employee submits the requested information.

This ordinance shall take effect upon passage by the City Council and subsequent approval by His Honor the Mayor.

A true copy attest



Sergio Cornelio

Sergio Cornelio, City Clerk